

MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, February 14, 2006
Tuesday, 9:08 A.M.

The City Council met in regular session with Mayor Mayans in the Chair. Council Members Brewer, Fearey, Martz, Schlapp, Skelton; present. (Gray absent with prior notice).

George Kolb, City Manager; Gary Rebenstorf, Director of Law; Karen Sublett, City Clerk; present.

David Posternock from the Hebrew Congregation gave the invocation.

The pledge of allegiance was participated in by the Council Members, staff, and guests.

The Minutes of the February 7, 2006 meeting were approved 6 to 0.

AWARDS AND PROCLAMATIONS

Proclamations

Proclamations:

Mayor Mayans read aloud the following Proclamations:

“Spay Day Wichita”

“Child Passenger Safety Week”

“Black Colleges and Universities Recognition Day”

Recognition

Nesa Greig-10 years of Service Recognition Plaque.

Mayor Mayans acknowledged Nesa Greig for her 10 years of service and presented her with a plaque.

PUBLIC AGENDA

Buck Goodman

Buck Goodman-Boathouse.

Mr. Goodman stated that there are some things such as the wooden floors and staircase that needs immediate attention and cannot live in an environment of no air conditioning and heating. Stated that he has spoken to the architects and contractors and they all agree and that there are three air conditioners on the roof and that they should be turned back on as soon as possible to prevent deterioration. Stated that he spoke to Rainbow Construction and that they are willing to go and make bids of what it would cost to turn on the utilities and get the facility back up to standards. Stated that he is not sure where the money would come from but it needs to be addressed and done right away to preserve this building. Stated that the classrooms, locker rooms and restrooms need to be replaced and that the contractor has told him that he could rebuild these rooms. Stated that there also needs to be a drive up to the Boathouse for deliveries, loading and unloading and that if this is not included in the WaterWalk Project, then it should be.

CITY COUNCIL PROCEEDINGS

JOURNAL 185

FEBRUARY 14, 2006

PAGE 208

Council Member Fearey Council Member Fearey stated that the City has a staff member by the name of Kathy Morgan, who is a planner who does all of the City's historic preservation issues and also has contact with the State Preservation Office. Asked that she be contacted and to send her over to look at the Boathouse and to get with the State people and see what they are saying that needs to be done to protect this building. Stated that regarding the classrooms and the restrooms, she feels that there will be restrooms rebuilt but not the classrooms. Stated that was an addition and it is her understanding that they will not be rebuilt and that they are working with the WaterWalk people regarding access to the Boathouse.

George Kolb City Manager stated that Kathy Morgan has contacted the State and has looked at the building and has done a study, which is a part of their due diligence on this. Stated they will be getting a copy of the report to the Council Members to review. Stated that the Boathouse is in the middle of a construction area and are currently relocating utilities, including sewer, electricity, water, etc. Stated that they anticipated that this would happen, so they have winterized the building and protected all of the interior things that have to be protected due to bad weather. Stated that they are very confident that the building will survive this season and as soon as possible they will start on the bathrooms and do some remodeling and will have it back in shape. Stated that there is also a private security firm that is periodically throughout the day, checking the building to make sure that there is no one trespassing or invading the property. Stated that they are doing everything that they can to protect the facility both from the elements as well as from unwarranted intrusions.

Jesse Sheffield Jesse Sheffield, Possibility of locating a fire station in the south City area.

Mr. Sheffield stated that he is the President of the South City Neighborhood Association and brought a signed petition for a firehouse to be built in the south city area. Stated that this area is boundary from the two railroad tracks and the Arkansas River, making it necessary and impossible for emergency equipment to arrive in time to save lives and property. Stated that in the south city area there is approximately 3,000 residents, three schools and that they have done a lot of cleaning up in this area. Stated that they have put a lot of effort into this area and are trying to get a few new businesses in. Invited the City Council to visit their area and presented a copy of the petition to the City Clerk.

Council Member Skelton Council Member Skelton requested that a copy of the petition be made for each one of the Council Members.

CONSENT AGENDA

Council Member Martz Council Member Martz requested that item 15 be pulled for discussion.

Mayor Mayans Mayor Mayans requested that item 12 be pulled for discussion.

Motion-- Mayans moved that the Consent Agenda items 3 to 23E be approved in accordance with the
--carried recommended action shown thereon except for items 12 and 15. Motion carried 6 to 0, (Gray absent).

CITY COUNCIL PROCEEDINGS

JOURNAL 185

FEBRUARY 14, 2006

PAGE 209

BOARD OF BIDS

REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED FEBRUARY 13, 2006.

Bids were opened February 10, 2006, pursuant to advertisements published on:

PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION: Sewers, Paving and Water Mains as per specifications.

2006 Sanitary Sewer Rehabilitation, Phase A - between 24th Street North and 47th Street South, & between Seneca and Rock Road. (468-84144/620450/666569) Traffic to be maintained during construction using flagpersons and barricades. (Districts I,II,III,VI)

Utility Maintenance Contractors LLC - \$279,798.90

2006 Contract Maintenance Asphalt Bike Path Repair & Overlay - Bike Paths throughout Wichita. (472-84287/132719/) Traffic to be maintained during construction using flagpersons and barricades. (Districts II,VI)

Ferguson Paving - \$99,800.00 (Engineer's estimate)

Paving, Drainage and Water Improvements for Harry, from K-42 to Meridian (472-84001/706900/204366) Traffic to be maintained during construction using flagpersons and barricades. (District IV)

McFadden Construction - \$1,011,834.40

Lateral 5, Main 16, Four Mile Creek Sewer to serve Cross Pointe Addition - south of 21st Street North, east of Greenwich. (468-84044/744167/480855) Does not affect existing traffic. (District II)

McCullough Excavation - \$64,000.00

Water Distribution System to serve Cross Pointe Addition - south of 21st Street North, east of Greenwich. (448-90083/735299/470970) Does not affect existing traffic. (District II)

McCullough Excavation - \$43,900.00

Triple Crown from the east line of Lot 12, Block 6, to the south line of Equestrian Estates Addition; Mustang Street, Mustang Court and Mustang Circle adjacent to Lots 24 through 44, Block 2; Equestrian Circle adjacent to Lots 45 through 54, Block 2; Equestrian Court, Equestrian Street and Equestrian Circle adjacent to Lots 16 through 30, Block 6 to serve Equestrian Estates Addition - south of Harry, east of 127th Street East. (472-83430/765969/490084) And Storm Water Drain #179 to serve Equestrian Estates Addition - south of Harry, east of 127th Street East. (468-83319/751410/485301) Does not affect existing traffic. (District II)

APAC – Kansas Inc. - \$518,197.55 (Total aggregate bid)

Water Distribution System to serve Country Hollow Addition - south of Kellogg, east of 127th Street East. (448-90142/735292/470963) And Water Distribution System to serve Country Hollow Addition - south of Kellogg, east of 127th Street East. (448-90154/735297/470968) Does not affect existing traffic. (District II)

Wilks Underground - \$120,826.52 (Total aggregate bid)

CITY COUNCIL PROCEEDINGS

JOURNAL 185

FEBRUARY 14, 2006

PAGE 210

Lateral 386 Four Mile Creek Sewer to serve Country Hollow Addition - south of Kellogg, east of 127th Street East. (468-84102/744162/480850) And Lateral 388 Four Mile Creek Sewer to serve Country Hollow Addition - south of Kellogg, east of 127th Street East. (468-84104/744163/480851) Does not affect existing traffic. (District II)

Utility Contractors - \$268,219.00 (Total aggregate bid)

Sanitary Sewer Improvements in Central, from Woodlawn to Rock Road (468-83729/620341/662464) Traffic to be maintained during construction using flagpersons and barricades. (District II)

WB Carter Construction - \$395,131.00

Motion--

Mayans moved that the contracts be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 6 to 0, (Gray absent).

--carried

GENERAL GOVERNMENT/PROPERTY MANAGEMENT DIVISIONS: VARIOUS DIVISIONS:
Mow, Trim & Edge at Various Locations.

One Time Lawn Service – \$15.00 (Group 1/Price increase from \$10.00 per lot)

FIRE DEPARTMENT/SAFETY DIVISION: Fire Department Hurst Jackrabbit Tool System, Model 3629014 – 27 @ \$1,784 each.

Weis Fire & Safety Equipment Co., Inc.* - \$48,168.00

*Purchases utilizing Sole Source of Supply Ordinance No. 35-856, Section 2.(b)

WATER & SEWER DEPARTMENT/CUSTOMER SERVICE DIVISION: Meter Reading Data Entry System Hardware and Software.

Itron Inc.* – \$107,760.00 (24 @ \$4,490.00 each - Part #FC2-0001-002, FC200R, CE.NET 4.2, 64MB CF, English OS, 1x26, Raptor Radio, 1x12, 52 Key, Battery and Endpoint Link Pro. Includes US Power Supply, US Power Cord, 26 pin to USB Host Cable, 26 pin to DB9F Host Cable and FC200 Getting Started Guide

\$ 7,600.00	4 @ \$1,900.00 each,/15art #OEM-0065-045, FC200/FC200R Ethernet Multi-Drop Desk Dock, for six Units. Includes US, UK and Europe power cords.
-\$ 4,000.00	(Minus Discount)
+\$ 150.00	(Plus Freight)
\$111,510.00	(Total)

*Purchases utilizing Sole Source of Supply Ordinance No. 35-856, Section 2.(b)

Motion-

Mayans moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 6 to 0, (Gray absent).

--carried

CMBS

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2006</u>	<u>(Consumption off Premises)</u>
Hussfin M. Haeri	Diamond Shamrock	851 South Meridian
New Tavern	2006	(Consumption on Premises)
Randy A. Johnson	Roxy's Pub	2825 George Washington Blvd.

CITY COUNCIL PROCEEDINGS

JOURNAL 185

FEBRUARY 14, 2006

PAGE 211

New Operator 2006 (Consumption on Premises)

TrishnTruong Hong Kong Dimsum Restaurant* 1410 North Broadway

*General/Restaurant - 50% or more of gross receipts derived from sale of food.

Motion--
--carried

Mayans moved that the licenses subject to Staff review and approval be approved. Motion carried 6 to 0, (Gray absent).

PRELIM. ESTS.

PRELIMINARY ESTIMATES:

- a) 29th Street North from Ridge Road to Tyler improving 29th Street North from Ridge to 306 ft. east of Tyler to provide for widening to 4 and 5 lanes with center left turn lane, medians, drainage and landscaping N/A - 29th Street North from Ridge Road to Tyler. (87N-0306-01/472-83903/706914/204380) Two way traffic to be maintained thru out project. (District V) - \$3,698,798.75
- b) 15th Street Pump Station - west of Ferrell Street at 15th Street. (468-83394/620335/662458) Traffic to be maintained during construction using flagpersons and barricades. (District VI) - \$700,000.00
- c) Lateral 69, Main 9, Sanitary Sewer #23 to serve Killarney Plaza East Addition - north of 29th Street North, west of Rock. (468-84018/744138/480826) Does not affect existing traffic. (District I) - \$66,000.00
- d) Williamsgate/Camden Chase (Phase 2) from the east line of Peckham to the north line of 21st Street North to serve Hawthorne 2nd & 3rd Additions - north of 21st Street North, east of 127th Street East. (472-83644a/765774/490885) Does not affect existing traffic. (District II) - \$184,200.00
- e) Castle Rock and 24th Street North from the north line of Lot 30, Block A to the east line of Lot 18, Block A; Spring Hollow Street from the west line of Castle Rock north to the south line of Mainsgate; Mainsgate and Mainsgate Circle from 24th Street North to and including the cul-de-sac; 24th Court north from the south line of 24th Street North south to and including the cul-de-sac; Sidewalk along one side of Castle Rock, Mainsgate, 24th Street North, and Spring Hollow Street to serve Krug North 2nd Addition (north of 21st Street North, west of 143rd Street East) (472-84249/765967/490082) Does not affect existing traffic. (District II) - \$568,000.00
- f) Mainsgate/Loch Lochmond from the north line of Mainsgate Circle to the north line of Lot 42, Block 4; and Williamsgate from the north line of Mainsgate to the north line of Lot 3, Block 6 to serve Hawthorne 2nd & 3rd Additions (north of 21st, east of 127th St. East) (472-84082/765960/490074) Does not effect existing traffic. (District II) - \$281,000.00

Motion--carried

Mayans moved to receive and file. Motion carried 6 to 0, (Gray absent).

PETITIONS FOR PUBLIC IMPROVEMENTS:

FOX RIDGE ADD.

CONSTRUCT DRAINAGE IMPROVEMENTS IN FOX RIDGE ADDITION, NORTH OF 29TH STREET NORTH, WEST OF TYLER. (DISTRICT V)

Agenda Report No. 06-0141

On April 26, 2005, the City Council approved a drainage Petition for Fox Ridge Addition. The developer has submitted new Petitions to build the project in three phases. Signatures on the new Petitions represent 100% of the improvement districts.

CITY COUNCIL PROCEEDINGS

JOURNAL 185

FEBRUARY 14, 2006

PAGE 212

The projects will provide drainage improvements within a residential development located north of 29th St. North, west of Tyler.

The original Petition totals \$599,000. The new Petitions also total \$599,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of property in the improvement district.

Motion--
--carried

Mayans moved that the Petitions be approved; the Resolutions adopted and the necessary signatures authorized. Motion carried 6 to 0, (Gray absent).

RESOLUTION NO. 06-053

Resolution of findings of advisability and Resolution authorizing improving Storm Water Drain No. 263 (north of 29th Street North, west of Tyler) 468-83997, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Martz, Schlapp, Skelton, and Mayans, (Gray absent).

RESOLUTION NO. 06-054

Resolution of findings of advisability and Resolution authorizing improving Storm Water Drain No. 289 (north of 29th Street North, west of Tyler) 468-84150, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Martz, Schlapp, Skelton, and Mayans, (Gray absent).

RESOLUTION NO. 06-055

Resolution of findings of advisability and Resolution authorizing improving Storm Water Drain No. 290 (north of 29th Street North, west of Tyler) 468-84151, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Martz, Schlapp, Skelton, and Mayans, (Gray absent).

COUNTRY HOLLOW CONSTRUCT A SANITARY SEWER FOR COUNTRY HOLLOW ADDITION, SOUTH OF KELLOGG, WEST OF 127TH STREET EAST. (DISTRICT II)

Agenda Report No. 06-0142

On November 8, 2005, the City Council approved a Petition to construct a sanitary sewer for Country Hollow Addition. The developer has submitted a new Petition to expand the scope of the project to reflect projected home sales. The signatures on the new Petition represent 100% of the improvement district.

The project will serve a new residential and commercial development located south of Kellogg, west of 127th St. East.

The current project budget is \$332,000. The revised project budget is \$530,000. The funding source is Special Assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of property in the improvement district.

Motion--
--carried

Mayans moved that the Petition be approved; the Resolution adopted and the necessary signatures authorized. Motion carried 6 to 0, (Gray absent).

CITY COUNCIL PROCEEDINGS

JOURNAL 185

FEBRUARY 14, 2006

PAGE 213

RESOLUTION NO. 06-056

Resolution of findings of advisability and Resolution authorizing construction of Lateral 388, Four Mile Creek Sewer (south of Kellogg, east of 127th Street East) 468-84104, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Martz, Schlapp, Skelton, and Mayans, (Gray absent).

STREET CLOSURES CONSIDERATION OF STREET CLOSURES/USES.

There were no street closures to consider.

AGREEMENTS/CONTRACTS:

KRUG NORTH 2ND ASSESSMENTS TO RESPREAD ASSESSMENTS: KRUG NORTH SECOND ADDITION, WEST OF 143RD STREET EAST, NORTH OF 21ST STREET NORTH. (DISTRICT II)

Agenda Report No. 06-0144

The landowners, Chestnut Ridge, L.L.C.; Zimbelman Construction, L.L.C.; Sharp Construction of Augusta, Inc.; Porter Homes, Inc.; Nies Homes, Inc.; and Glass Homes, Inc., have submitted two Agreements to respread special assessments within the Addition.

The land was originally included in an improvement district for main sanitary sewer, storm water sewer and storm water drain improvements. The purpose of the Agreements is to respread special assessments on a fractional basis for each lot, therefore, distributing the cost of the improvements more fairly. Without the Agreements, the assessments will be spread on a square foot basis.

There is no cost to the City.

The Agreements have been approved as to form by the Law Department.

Motion-- Mayans moved that the Agreements be approved and the necessary signatures authorized.
--carried Motion carried 6 to 0, (Gray absent).

HILLSIDE BRIDGE HILLSIDE BRIDGE AT RANGE ROAD. (DISTRICT III)-SUPPLEMENTAL.

Agenda Report No. 06-0145

On May 4, 2004, the City entered into an Agreement with Cook, Flatt & Strobel Engineers, P.A. (CF&S) for designing a plan to rehabilitate the Hillside Bridge at Range Road. The fee was \$27,000. On October 4, 2005, the City approved Supplemental Agreement No. 1 to design plans for the replacement of a section of 12" waterline on the bridge. The fee was \$7,700.

Further engineering review has revealed that it will be more economical in the long run to replace the bridge rather than rehabilitate it. Rehabilitation cost estimates climbed to as much as \$975,000. It is believed that a new bridge can be constructed for approximately \$1,225,000. Complete replacement will provide a structure that will last much longer than a bridge that is rehabilitated. Supplemental Agreement No. 2 has been prepared for the additional design services to completely replace the bridge.

Payment to CF&S for the Supplemental Agreement will be made on a lump sum basis of \$13,660 and will be paid by General Obligations Bonds.

CITY COUNCIL PROCEEDINGS

JOURNAL 185

FEBRUARY 14, 2006

PAGE 214

The Supplemental Agreement has been approved as to form by the Law Department.

Motion--
--carried

Mayans moved that the Supplemental Agreement be approved and the necessary signatures authorized. Motion carried 6 to 0, (Gray absent).

NW SEWER IMPR.

NORTHWEST SEWER IMPROVEMENTS PROGRAM MANAGEMENT. (DISTRICT V)-SUPPLEMENTAL.

Agenda Report No. 06-0146

On January 19, 1999, the City Council approved a plan for a new sewage treatment plant and improvements to serve northwest Wichita. Selection of Professional Engineering Consultants, Inc. to perform project management tasks was approved September 28, 1999. Tasks included the development of plans, specifications, and project estimates for the design and construction phase. Plans for the supporting sanitary sewers, lift stations, and water lines are being prepared.

The Scope of Services for revision to sewer main 5 northwest sewer design work will require architectural landscaping design, beautification and site restoration for the pump station site and an easement area on and crossing the Alter property. Work will also include an itemized list of planting materials.

The additional cost for the above-mentioned scope and Supplemental Agreement No. 5 will not exceed \$4,500. Funding of \$413,000 is available in CIP S-512, Northwest Sewage Treatment Plant & Basins 1,2,3. The project will be funded by revenues and/or bond sales.

The Supplemental Agreement has been reviewed and approved by Law.

Motion--
--carried

Mayans moved that the Supplemental Agreement be approved and the necessary signatures authorized. Motion carried 6 to 0, (Gray absent).

SW PUMP STATION

SOUTHEAST WATER BOOSTER PUMP STATION. (DISTRICT III)-SUPPLEMENTAL.

Agenda Report No. 06-0147

On May 10, 2005, the Staff Screening and Selection Committee selected Burns & McDonnell Consultant Engineers for the design of the Southeast Water Booster Pump Station.

On July 19, 2005, the City Council approved a Contract with Burns & McDonnell Engineering Company, Inc. to provide engineering and design services for the Southeast Water Booster Pump Station. The Request for Proposals contained an option for the construction inspection to go to a selected design consultant. Staff recommends Burn & McDonnell for the construction phase services option.

The cost for the above-mentioned scope will not exceed \$200,668 for construction phase services. Capital Improvement Program W-537, Southeast Booster Pump Station, is included in the 2005 approved CIP budget. The total budget for the project is \$3.62 million: \$1.1 million in 2005 and \$2.52 million in 2006. The project will be funded from Water Utility revenues and reserves, and/or a future revenue bond issue.

The Law Department has reviewed and approved the Supplemental Agreement as to form.

Motion--
--carried

Mayans moved that the Supplemental Agreement No. 1 be approved and the necessary signatures authorized. Motion carried 6 to 0, (Gray absent).

CITY COUNCIL PROCEEDINGS

JOURNAL 185

FEBRUARY 14, 2006

PAGE 215

AVIATORS LEASE AVIATORS LEASE CONTRACT. (DISTRICT IV)

Agenda Report No. 06-0148

The Park and Recreation Department has reached a lease agreement with a local indoor sports team, the Wichita Aviators. The Aviators current lease agreement with the Kansas Coliseum has expired and they have reached an agreement with management's staff at the Wichita Ice Center for the next three years.

The Wichita Ice Center management is entering into a lease agreement between the City of Wichita, Wichita Ice Center, City of Wichita, "lessor", organized under the laws of the State of Kansas, having its principal place of business at 505 W. Maple, Wichita, Sedgwick County, Kansas. The lease agreement covers office space, storage space, sign rental, Olympic rink, second floor viewing, and locker room rentals. The term of this lease agreement is six months, beginning on March 1, 2006, and terminating on August 31, 2006.

Wichita Aviators shall pay Wichita Ice Center, City of Wichita office space, storage space and sign rental amounts in installments of \$350.00 each month, beginning on March 1, 2006 during the term of the lease agreement. Wichita Aviators will also pay Wichita Ice Center, City of Wichita \$4,230.00 for each home game for usage of the Olympic rink, bleacher seating, second floor viewing and locker rooms. The Wichita Ice Center, City of Wichita shall arrange and pay for the following utilities: heat, air, electricity, gas, hot and cold water, sewer, and trash during the term of the lease.

Legal has reviewed the lease agreement as to form.

Motion--
--carried

Mayans moved that the lease agreement between Park and Recreation Department, Wichita Ice Center and the Wichita Aviators be authorized and signed. Motion carried 6 to 0, (Gray absent).

DESIGN SERVICES AGREEMENTS:

WHISPERING LAKES WHISPERING LAKES ESTATES ADDITION, SOUTH OF HARRY, WEST OF 159TH STREET EAST. (DISTRICT II)

Agenda Report No. 06-0149

The City Council approved the water distribution system, sanitary sewer, drainage and paving improvements in Whispering Lakes Estates Addition on January 24, 2006.

The proposed Agreement between the City and Ruggles & Bohm, P.A. (R&B) provides for the design of bond-financed improvements consisting of water distribution system, sanitary sewer, drainage and paving in Whispering Lakes Estates Addition. Per Administrative Regulation 7a, staff recommends that R&B be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment to R&B will be on a lump sum basis of \$61,100 and will be paid by special assessments.

The Agreement has been approved as to form by the Law Department.

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 6 to 0, (Gray absent).

CITY COUNCIL PROCEEDINGS

JOURNAL 185

FEBRUARY 14, 2006

PAGE 216

COUNTRY HOLLOW COUNTRY HOLLOW ADDITION, SOUTH OF KELLOGG, EAST OF 127TH STREET EAST. (DISTRICT II)

Agenda Report No. 06-0150

The City Council approved the water distribution system, sanitary sewer, drainage and paving improvements in Country Hollow Addition on November 8, 2005.

The proposed Agreement between the City and MKEC Engineering Consultants, Inc. (MKEC) provides for the design of bond-financed improvements consisting of water distribution system, sanitary sewer, drainage and paving in Country Hollow Addition. Per Administrative Regulation 7a, staff recommends that MKEC be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment to MKEC will be on a lump sum basis of \$190,800 and will be paid by special assessments.

The Agreement has been approved as to form by the Law Department.

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 6 to 0, (Gray absent).

RIDGE 3RD ADD.

CHANGE ORDER-STORM WATER DRAIN IN SOUTHERN RIDGE THIRD ADDITION, SOUTH OF PAWNEE, WEST OF MAIZE. (DISTRICT IV)

Agenda Report No. 06-0151

On October 4, 2005, the City Council approved a contract with Duling Construction Company for a storm water drain in Southern Ridge 3rd Addition, located south of Pawnee, west of Maize. The developer of the subdivision has requested that the project scope be modified to include the addition of 19,000 cubic yards of fill dirt for building pads.

A Change Order has been prepared for the cost of the additional work. Funding is available within the project budget.

The cost of the additional work is \$89,558 with the total paid by special assessments. The original contract amount is \$468,179. This Change Order represents 19.13% of the original contract amount.

The Law Department has approved the Change Order as to legal form. The Change Order amount is within the 25% of construction contract cost limit set by City Council policy.

Motion--
--carried

Mayans moved that the Change Order be approved and the necessary signatures authorized. Motion carried 6 to 0, (Gray absent).

PROP. ACQUIS.

ACQUISITION OF 5220 SOUTH MERIDIAN. (DISTRICT IV)

Agenda Report No. 06-0152

The Parks and Recreation Department has identified the house at 5220 South Meridian Avenue as an opportunity purchase to solidify their ownership of South Lakes Park. The house and property is located at the main entry to the South Lakes Softball complex off of Meridian Avenue.

The property consists of a 1,100 square foot, frame construction, and ranch style house on 0.77-acre lot. The property owner has agreed to deed the land and improvements to the City for the appraised value of \$85,000. The improvements will temporarily be used for storage and then razed to improve the access to the park.

CITY COUNCIL PROCEEDINGS

JOURNAL 185

FEBRUARY 14, 2006

PAGE 217

A budget of \$86,500 is requested. This includes \$85,000 for the acquisition and \$1,500 for title work, title insurance and closing costs. Funding for the acquisition will come from the Parks and Recreation Departments 2006 Parking Lots and Entry Drives CIP Budget.

The Law Department has approved the real estate purchase contract as to form.

Motion--
--carried

Mayans moved that the Real Estate Purchase Contract be approved; the resolution adopted and the necessary signatures authorized. Motion carried 6 to 0, (Gray absent).

RESOLUTION NO. 06-064

A Resolution authorizing the issuance of bonds by the City of Wichita at Large for the land acquisition of the property located at 5220 South Meridian for park purposes and related costs including surveys, environmental review, title work, closing costs, interest and taxes, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Martz, Schlapp, Skelton, and Mayans, (Gray absent.)

(Item 12) 2005 QTRLY RPT.

2005 FOURTH QUARTER FINANCIAL REPORT.

Mayor Mayans

Mayor Mayans stated that he pulled this item so that the Council could get an executive summary regarding revenues and expenditures that were just ended and a report for the month of January.

Kelly Carpenter

Director of Finance reviewed the 2005 Year-End Overview and gave a report for the month of January.

Motion--carried

Mayans moved that the report be received and filed. Motion carried 6 to 0, (Gray absent).

JAN. CONTRACTS

CONTRACTS, AGREEMENTS AND PURCHASE ORDERS FOR JANUARY 2006

Motion--carried

Mayans moved that the report be received and filed. Motion carried 6 to 0, (Gray absent).

ASSESS. ROLLS

PROPOSED ASSESSMENT ROLLS

Proposed Assessment Rolls have been prepared for twenty-two (22) water projects, twenty-one (21) sewer projects and thirteen- (13) storm sewer projects and it is necessary to set a public hearing date. Informal hearing with City personnel will be held March 6, 2006 at 11:00 a.m.

Motion--

Mayans moved that the hearing on the Proposed Assessment Rolls be set for 9:30 a.m., Tuesday, April 4, 2006, and the City Clerk to publish the notices of hearing at least once not less than 10 days prior to the date of the hearing. Motion carried 6 to 0, (Gray absent).

--carried

(Item 15) EUD GRANT

ENFORCING UNDERAGE DRINKING LAWS, EUD GRANT.

Agenda Report No. 06-0153

For the past three years, the Wichita Police Department has placed an emphasis on eliminating underage alcohol consumption in our community. In an effort to address this problem, the Wichita Police Department, in collaboration with community agencies and citizens developed and implemented the JUDGE (Juvenile Underage Drinking Group Education/Enforcement) program. The goals of the JUDGE program are to educate the public on underage alcohol consumption issues and enhance proactive enforcement of laws applicable to underage alcohol consumption. In an effort to assist with this effort, the Police Department is applying for a grant funded by the Kansas Department of Transportation, Bureau of Traffic Safety. The Enforcing Underage Drinking Laws (EUDL) grant is

CITY COUNCIL PROCEEDINGS

JOURNAL 185

FEBRUARY 14, 2006

PAGE 218

being made available to communities to support their enforcement activities in the area of preventing underage alcohol consumption. The Wichita Police Department received EUDL funding 2005 and is applying for funding again in 2006.

The Kansas Department of Transportation is providing financial support in the form of a three-month mini-grant. Funds would be made available from March 1 through May 31, for overtime to support enforcement activities during Spring break, proms and graduations.

The Wichita Police Department grant application requests funding for the JUDGE program in the amount of \$23,353.75 for overtime to support enforcement activities. There is no local match.

Council Member Martz Council Member Martz stated that this is an item that we are pleased to be applying for a grant and asked for a review.

Tom Stolz Deputy Chief of Police reviewed the item.

Motion-- Martz moved that the application be approved and the necessary signatures authorized.
--carried Motion carried 6 to 0, (Gray absent).

SWIMMING POOLS SWIMMING POOL IMPROVEMENTS. (DISTRICTS I, II, V AND VI)

Agenda Report No. 06-0154

The 2006 Park and Recreation CIP will provide funding for improvements to various swimming pools across the city on a periodic, as-needed basis. Council has approved this yearly CIP fund since 2000. Past projects using this fund include diving and lifeguard stand replacement, shade structure installation, sandblasting/painting of pools, spray parks and water slides.

The Park and Recreation Department maintains and operates eleven (11) municipal pools within the City's park system. Plans for 2006 swimming pool improvement projects include interior bathhouse renovations at Aley and Linwood pools along with bench and lifeguard stand replacement at Edgemoor, Linwood, Minisa and Orchard pools. Chemical controllers will be updated at Edgemoor, Harvest and College Hill pools. These improvements will allow more efficient chemical usage, address bathhouse issues, and help keep the pools operating in a safe manner for the citizens of Wichita.

Funding in the amount of \$100,000 will be available within the Park and Recreation Department's 2006 CIP budget to fund the improvements. The source of funding is General Obligation bonds.

The Law Department has reviewed and approved the bonding resolution as to form.

Motion-- Mayans moved that the bonding resolution be adopted; the initiation of the project authorized and
--carried the necessary signatures authorized. Motion carried 6 to 0, (Gray absent).

RESOLUTION NO. 06-057

A Resolution authorizing the issuance of bonds by the City of Wichita at Large for the labor, material, and equipment for bathhouse renovations at Aley and Linwood; lifeguard stand and bench replacements at Edgemoor, Linwood, Minisa and Orchard Pools; and chemical controllers equipment update at Edgemoor, Harvest and College Hill Pools, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0, (Gray absent). Yeas: Brewer, Fearey, Martz, Schlapp, Skelton, and Mayans.

CITY COUNCIL PROCEEDINGS

JOURNAL 185

FEBRUARY 14, 2006

PAGE 219

CANOE LAUNCH

KANSAS DEPARTMENT OF WILDLIFE AND PARKS GRANT FOR SOUTH ARKANSAS RIVER GREENWAY CANOE LAUNCH. (DISTRICT III)

Agenda Report No. 06-0155

On May 2, 2005, the Kansas Department of Wildlife and Parks (KDWP) sent the City a "letter of commitment" by earmarking \$30,000 to complete a joint Arkansas River Access study with the City. The City Council accepted and authorized initiation for the Arkansas River Access study on August 9, 2005. On October 18, 2005, the City Council approved and authorized the initiation of funding to provide construction services for the South Arkansas River Greenway in the amount of \$270,000. Since that time, additional grant funding has been made available by the KDWP for the South Arkansas River Greenway canoe launch and the Arkansas River Access study.

The KDWP issued an amended Memorandum of Understanding (MOU) with the City to provide an additional \$45,000 for the construction of the South Arkansas River Greenway canoe launch and funding for the Arkansas River Access study. The additional funding will help to provide the additional resources possibly needed for construction of the canoe launch with the balance of the grant funding used for the Arkansas River Access study.

Funding for this project is provided by 2006 Park and Recreation Capital Improvement Funds in the amount of \$270,000. An additional amount up to \$45,000 will be available to provide for construction of the South Arkansas Greenway canoe launch and funding for the Arkansas River Access study.

The Law Department has reviewed and approved as to form the amended MOU from KDWP.

Motion--

Mayans moved that the amendment to the Memorandum of Understanding with the Kansas Department of Wildlife and Parks in the amount of \$45,000 be approved and the necessary signatures authorized.

--carried

Motion carried 6 to 0, (Gray absent).

SATS

CONTRACT FOR PROFESSIONAL SERVICES, SOUTH AREA TRANSPORTATION STUDY. (SATS).

Agenda Report No. 06-0156

The Wichita Area Metropolitan Planning Organization (WAMPO) was awarded federal funds to study transportation issues in the southern portions of the MPO planning area. This study will focus on the southeast and southwest areas of the MPO planning area and will include extensive participation by stakeholders, major employers and area residents. This study is regional in nature and it is a cooperative effort involving the local units of government in the southeast and southwest quadrants around Wichita, including the cities of Derby, Haysville, Goddard and Mulvane; Sedgwick County, the Kansas Department of Transportation (KDOT), the Federal Highway Administration (FHWA) and the Kansas Turnpike Authority (KTA).

The MAPD's Transportation Planning Division serves as a staff to WAMPO. Professional consulting services are sought to assist staff in completing the study process. The study will identify the transportation needs of the area based on current and forecasted future land use/development, associated traffic analyses, regional connectivity and accessibility; complete required environmental documentation that identifies a preferred transportation solution/corridor; and identify critical issues of rights-of-way within the corridor for preservation.

Five proposals were received in response to the Request for Proposals (RFP). Wilbur Smith Associates was chosen by the sixteen-member (16) consultant selection committee that was comprised of officials from the FHWA, KTA, KDOT, and Sedgwick County, staff from the Cities of Wichita, Haysville, Derby, Goddard and Mulvane.

This contract is for a total sum of \$620,000. Federal transportation planning funds available to the MPO will be used to pay 100 percent of the costs associated with the contractual services.

CITY COUNCIL PROCEEDINGS

JOURNAL 185

FEBRUARY 14, 2006

PAGE 220

The Law Department has approved the contract as to form.

Motion--
--carried

Mayans moved that the selection of Wilbur Smith Associates to complete the SATS be approved; and the necessary signatures to execute the contract be authorized. Motion carried 6 to 0, (Gray absent).

333 N. OHIO

SURPLUS OF PROPERTY LOCATED AT 3333 NORTH OHIO. (DISTRICT VI)

Agenda Report No. 06-0157

The property under consideration is located on the west side of Ohio at 33rd Street. This parcel was acquired in 2001 for development as two soccer fields. Subsequent to development, it was determined that a large site was desirable and new fields, along with parking and amenities were developed on a City-owned tract in the 3500 block of North Ohio. With the completion of these new fields, this parcel is surplus to City's needs. The site is 5.67 acres in size and is zoned Heavy Industrial. All utilities are available to the site.

All City departments and local government entities have been notified and have shown no interest in the property.

The City will receive cash consideration for the sale of the property. The surplus and sale of this property to a private party will place additional value into the tax base.

Motion--
--carried

Mayans moved to declare the property as surplus and designate it as available for sale to the general public. Motion carried 6 to 0, (Gray absent).

PARKING LOTS

PARKING LOTS, SIGNAGE AND ENTRY DRIVES.

Agenda Report No. 06-0158

The Park and Recreation Department has a number of parking lots across the city, which—by City Code—must be paved. In addition, entry drives to a number of Park and Recreation facilities and sites are in various stages of disrepair and in need of major reconstruction. Facilities and sites impacted include recreation centers, swimming pools, athletic fields, and parks. Furthermore, the Park and Recreation Department has utilized the same design for entrance signs for many decades and the current system has become outdated and unappealing. A new City logo developed and adopted several years ago has become a strong symbol for our city and current signs do not have the City seal to promote the parks correlation with other important City amenities.

The 2006 Park Capital Improvement Program (CIP) includes funding for entrance signage and the paving and reconstruction of parking lots and entry drives. The City has identified the need to develop new sign standards for the park system. Design Services were contracted to Gardener Group and McCluggage, Vansickle and Perry, which establish a new graphic standard and identity for the park system. This new entry sign standard will be constructed at several major parks. In addition, paving and reconstruction of entry drives and parking lots will protect the City's investment in Park and Recreation facilities and amenities and enhance their use by fee-paying users, neighborhood groups, and citizens. Parking areas requiring compliance include the parking lot for Antoine Carr Basketball Courts in McAdams Park. In addition the house, out buildings and 0.77-acre lot at 5220 South Meridian Avenue has been identified as an opportunity purchase to solidify ownership of South Lakes Park and the entrance to the Softball Complex off of Meridian Avenue.

The 2006 Park CIP includes \$450,000 for the paving and reconstruction of parking lots and entry drives at Park and Recreation facilities and sites across the city. The funding source is general obligation bonds. Of the \$450,000 CIP fund, \$86,500 will be used for the Meridian property acquisition stated above, leaving a balance of \$363,500 to approve for this agenda item.

CITY COUNCIL PROCEEDINGS

JOURNAL 185

FEBRUARY 14, 2006

PAGE 221

The Law Department has approved the bonding resolution as to form.

Motion--
--carried

Mayans moved that the bonding resolution be adopted; initiation of the project and the hiring of design consultants authorized and the necessary signatures authorized. Motion carried 6 to 0, (Gray absent).

RESOLUTION NO. 06-058

A Resolution authorizing the issuance of bonds by the City of Wichita at Large for the paving and reconstruction of parking lots and entry drives at McAdams Park Antoine Carr basketball courts and replacement of entry drive and parking lot signage at various parks, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0, (Gray absent). Yeas: Brewer, Fearey, Martz, Schlapp, Skelton, and Mayans.

ICE CENTER

WICHITA ICE CENTER EQUIPMENT REPLACEMENT AND RELOCATION. (DISTRICT IV)

Agenda Report No. 06-0159

The Park and Recreation Department was directed by City Council to take over the operations of the Wichita Ice Center on May 3, 2005, until a new management contract was approved. The Ice Center facility and most of the equipment will be ten years old this year resulting in equipment that has exceed its useful life. The Council approved funding within the 2005 Park Capital Improvement Program (CIP) in the amount of \$70,000 to protect the City's investment and allow for capital improvements to the facility and replacement and repairs to equipment.

An immediate concern is the replacement and relocation of the cooling tower on the ground behind the compressor room. The cooling tower is an ammonia base heat exchange system located on the roof of the facility use to chill the ice. The current system has exceeded its useful life and continuously shuts down causing wet spots, which is hazardous to the users. As the weather impedes upon 70 degrees, the system is unable to maintain capacity, causing it to shut down and requires refreezing of the ice, increasing our utility cost and staff hours.

Other immediate needs are the replacement of the Zambonis that are used to maintain the ice. These will need to be replaced over the next two years. Also needed is the repair and redesigning of the seating area. This will meet the current ADA standards and will assist in the accommodation for potential revenue source during the off-season to help with the subsidy of operations.

The 2005 Park Capital Improvement Program includes funding for the renovation of the Ice Center's facility and equipment. The capital plan calls for replacement and relocation of the cooling tower, replacing a Zamboni, repairs or redesigning of the seating area to meet current ADA standards, and to accommodate a seating plan for a potential revenue source during the off-season.

The 2005 Park CIP includes funding of \$70,000 for the facility renovation at the Wichita Ice Center. The funding source is general obligation bonds.

The Law Department has approved the bonding resolution as to form.

Motion--
--carried

Mayans moved that the bonding resolution be adopted, initiation of the project authorized and the necessary signatures authorized. Motion carried 6 to 0, (Gray absent).

RESOLUTION NO. 06-059

A Resolution authorizing the issuance of bonds by the City of Wichita at large for labor, material, and equipment to replace and relocate the cooling tower; at the Wichita Ice Center; replace one of the ice resurfacing machines and repair or redesign the seating area, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0, (Gray absent). Yeas: Brewer, Fearey, Martz, Schlapp, Skelton, and Mayans.

CITY COUNCIL PROCEEDINGS

JOURNAL 185

FEBRUARY 14, 2006

PAGE 222

INTERNET ACCESS PUBLIC INTERNET ACCESS-CENTRAL LIBRARY AND ALFORD REGIONAL BRANCH. (DISTRICTS I AND IV)

Agenda Report No.06-0160

Public access computing is an important part of the Library's information service mix. In 2005, customers completed 147,065 computer sessions in Library locations. To protect security of City computer systems, the department operates its public access computers on Internet connections separate from the City's computer network.

Where possible, the Library makes use of Cox Communications' Project K.I.D.S program to obtain public Internet access at no charge. For these two locations that do not qualify for access to Project K.I.D.S., the Library contracts for Internet access from an Internet service provider. A Request for Proposal for Internet access was released in early January. After reviewing all responses, it was the unanimous consensus of the screening selection committee that Network Tool and Die Company, a local firm, is best positioned to provide the quality and consistency of access required by the Library.

Network Tool and Die Company proposes to provide six Mbps Internet access and two point-to-point Internet connections at an annual cost not to exceed \$24,000. The Library anticipates this fee to be reduced by 80% through subsidies from the Universal Service (e-rate) discount program. Initiation of service will be timed to maximize discount savings. Payment for this service will be funded through the Library's state grants-in-aid program.

Law Department will review and approve the contract as to form.

Motion--

Mayans moved that the selection of Network Tool and Die Company as the public Internet service provider for the Central Library and the Lionel Alford Regional Branch be approved and the Purchasing Manager to sign the contract authorized. Motion carried 6 to 0, (Gray absent).

--carried

ORDINANCES

SECOND READING ORDINANCES: (FIRST READ FEBRUARY 7, 2006)

a) Pretreatment Sewer Use-Amended Ordinance.

ORDINANCE NO. 46-888

An Ordinance of the City of Wichita pertaining to prohibited discharges to the Municipal; sewer system; amending Sections 16.22.040 and 16.22.060 of the Code of the City of Wichita; and repealing the Original of said Sections, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Martz, Schlapp, Skelton, and Mayans, (Gray absent).

b) MacArthur Improvement, between Meridian and Seneca. (District IV)

ORDINANCE NO. 46-889

An Ordinance declaring MacArthur between Meridian and Seneca (472-84358) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Martz, Schlapp, Skelton, and Mayans, (Gray absent).

CITY COUNCIL PROCEEDINGS

JOURNAL 185

FEBRUARY 14, 2006

PAGE 223

- c) ZON2005-00044-generally located between Hillside Avenue and Lorraine Street, midway between 2nd and 3rd Streets. (District I)

ORDINANCE NO. 46-891

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.21, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Martz, Schlapp, Skelton, and Mayans, (Gray absent). (ZON 2005-00044)

- d) A06-03R-generally located to the northeast of the intersection of 13th Street and 151st Street. (District V)

ORDINANCE NO. 46-892

An Ordinance including and incorporating certain blocks, parcels, pieces and tracts of land within the limits and boundaries of the City of Wichita, Kansas, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Martz, Schlapp, Skelton, and Mayans, (Gray absent). (A05-04)

- e) A06-04R-generally located west of 135th Street, between 21st Street and 13th Street. (District V)

ORDINANCE NO. 46-893

An Ordinance including and incorporating certain blocks, parcels, pieces and tracts of land within the limits and boundaries of the City of Wichita, Kansas, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Martz, Schlapp, Skelton, and Mayans, (Gray absent). (A05-04)

NEW BUSINESS

APPEAL

APPEAL OF BOARD OF ELECTRICAL APPEALS ELECTRICAL CONTRACTOR LICENSE SUSPENSION/PROBATION-SAINT ELECTRIC.

Agenda Report No. 06-0161

Mayor Mayans

Mayor Mayans stated that the order of the process today would be inherent to this appeal process of the City Council regarding this item. It is an opportunity to be heard in a fair and proper hearing. The hearing will be conducted in the following manner: 1) We will hear from the Superintendent of Central Inspection or his representatives will be given an opportunity to present the Board of Electrical Appeals position on this matter; 2) the licensee or it's attorney will be given the opportunity to present their position; 3) the City Council Members then at that time after hearing both sides, will have the opportunity to ask questions of either the Superintendent of Central Inspection or the licensee; and 4) there will be no public comments, since the Council is exercising its quasi judicial authority for the hearing.

CITY COUNCIL PROCEEDINGS

JOURNAL 185

FEBRUARY 14, 2006

PAGE 224

Kurt Schroeder

Superintendent of Central Inspection reviewed the item.

Pursuant to Title 19, Chapter 19.08.015, "No apprentice electrician or helper shall install any electrical work within the city unless he or she is on the job site with and under the supervision of a master or journeyman electrician certified by the city."

On April 12, 2005, the Board of Electrical Appeals conducted a hearing to consider complaints by Office of Central Inspection staff that on several occasions over the last few years (prior to April 2005), uncertified employees of Saint Electric were found performing electrical work on job sites for Saint Electric without the required supervision of a master or journeyman level certified electrician. Mr. St. Peter was notified of the hearing, but was unable to attend. During the April 12, 2005 meeting, the Board took action to suspend the electrical contractor's license of Tom St. Peter.

Mr. St. Peter, through his attorney, filed an appeal of the Board's April 12, 2005 action. By agreement between Mr. St. Peter's attorney and the Board's attorney, the Board's suspension of Mr. St. Peter's license with respect to work on existing permits was delayed until the next regular meeting of the Board in May 2005. During the period of time between April 12, 2005, and the Board's meeting on May 10, 2005, Saint Electric was permitted to continue work on all of his existing permits/projects.

On April 13, 2005, the City sent Mr. St. Peter notice that the Board, at its May 10, 2005, meeting would consider taking action against his electrical contractor license for incidents in which uncertified employees of his company were performing electrical work without required supervision by a properly certified master or journeyman electrician. Both Mr. St. Peter and his attorney attended the Board's May 10, 2005 meeting. At that meeting the Board rescinded its prior action to suspend Mr. St. Peter's electrical contractor's license and took no action against his license as a result of matters considered by the Board at that meeting. However, the Board directed the Superintendent of Central Inspection to send Tom St. Peter of Saint Electric a letter explaining OCI's interpretation regarding the minimum required supervision of uncertified apprentices/helpers at job sites. The Superintendent was also directed to issue an order for Mr. St. Peter to comply with the minimum requirements set forth in the letter and by the Electrical Code.

On May 23, 2005, the Superintendent of Central Inspection sent Mr. St. Peter a letter in which Saint Electric was ordered to provide appropriate supervision of uncertified employees when they were performing electrical work. The order defined what the Superintendent considered "electrical work". It also defined what the Superintendent considered to be adequate supervision of non-certified employees.

On October 3, 2005, an electrical inspector for the Office of Central Inspection observed two employees of Saint Electric performing electrical work at 12125 E. Andrea in the City of Wichita, Kansas. The inspector confirmed that the employees were not certified electricians, and that no licensed journeyman or master electrician was on site supervising these employees.

On October 13, 2005, notice was sent to inform Mr. St. Peter that the Board would consider action against his electrical contractor's license on the basis that Mr. St. Peter failed to comply with the order of the Superintendent of Central Inspection by permitting his uncertified employees to do electrical work while unsupervised, and that a hearing to consider the matter was scheduled for the Board's regular meeting on November 8, 2005. At the request of Mr. St. Peter's attorney, this hearing was continued to the Board's regular meeting date of December 13, 2005.

During the Board hearing on December 13, 2005, Mr. St. Peter admitted that he was at the work site on 12125 E. Andrea on October 3, 2005, and that he left the site and failed to direct his uncertified employees to cease doing electrical work during his absence. He further admitted that this action was in violation of the order of the Superintendent of Central Inspection set out in the letter dated May 23, 2005.

Based on the above, the Board found that Mr. Tom St. Peter failed to comply with a lawful and reasonable order of the Superintendent of Central Inspection, in violation of the provisions of Section 19.08.050(b)(3) of the Code of the City of Wichita, by permitting his uncertified employees to perform electrical work while unsupervised at 12125 E. Andrea on October 3, 2005.

CITY COUNCIL PROCEEDINGS

JOURNAL 185

FEBRUARY 14, 2006

PAGE 225

Due to such violation, the Board suspended the electrical contractor's license of Thomas St. Peter for a period of 12 months effective January 10, 2006. However, Mr. St. Peter was granted probation from the effectiveness of the suspension for a period of 12 months, so long as he complied with the conditions of such probation. The stated conditions of probation are that Mr. St. Peter does not violate Section 19.08.050 of the Code of the City of Wichita and, more specifically, that he does not violate the order of the Superintendent of Central Inspection as contained in the letter of May 23, 2005.

Pursuant to Title 19, Chapter 19.08.050 of the Code of the City of Wichita, the Board of Electrical Appeals is authorized to cancel and recall the license of any electrical contractor for a number of reasons, including, "Committing of any act in violation of any provisions of this code or any other ordinance of the city, or the refusal or failure to comply with any lawful and reasonable order of the central inspection superintendent or inspector."

Mr. St. Peter, owner and qualified master electrician for Saint Electric, was properly notified of the Board's hearing to consider action against his electrical contractor's license, and has been notified of the date and time of this City Council appeal.

Boyd Howard, Atty.

Mr. Howard stated that he is representing Mr. St. Peter and has been involved in this for a year. Stated that they are asking the City Council to reverse the decision made in January by the City's OCI Board of Electrical Appeals. Stated their decision was to suspend Mr. St. Peter's license and they are asking that the City Council reverse that decision. Stated that this has to do with a particular section of the City Code, which is the Electrical Code and that the code section in question prohibits unlicensed employees of electrical contractors from doing electrical work on a job site without supervision of a licensed employee or owner. Stated that they have problems with the way this is being presented to the Council today. Stated that it has been their experience when dealing with these three terms within those statutes, that they mean different things to different people. Stated that they have consistently asked staff to define these terms for them, which are "job site" and as far as they can tell the term "job site" means to the City staff, an address or one building permit but that can constitute a huge area. Stated that Mr. St. Peter does mostly single-family housing and most of his customers are builders or developers. Stated that he might be working on two homes that are adjacent to each other and just moments away, but since they constitute two job sites, he could be cited or his employees could be for not supervising them directly. Stated that they feel that this does not make sense and does not necessarily promote safety. Stated that they would be willing to live with this if they could tell employees here is what you have to do and what it means. Stated when this first came up last year, they appeared before the Board in May and asked them to give them a definition of what these terms mean and have not received a definition on some of the items that they requested.

Stated that Mr. St. Peter has been working in Wichita for 25 years and there is not a safety issue regarding his company and has had over 20,000 inspections performed. Stated that Mr. St. Peter has been willing to work with the authorities on these kinds of issues and was the one who petitioned the City to adopt the residential electrician's code that he is now being cited on. Stated that they had a similar struggle with the County on the same thing, which was the definition of terms and visited someone from the District Attorney's Office and left there with what they thought was an agreement as to what these terms meant and have never had another citation in the county and would like to do something similar with the City. Stated that another term in question is "supervision". Stated that they do not know if they are talking about direct visual contact at all times when a person is doing the work and would like to know so that they can tell the employees. Stated that he does not know when this particular code section was written and thinks it was taken out of the National Electrical Code and that they think that it could stand to be updated. Stated that this was written before cell phones, walkie-talkies, video phones and instant Internet communication and that they feel that the code should be revisited with those methods of instant communication in mind. Stated that another element of the statute that they have had problems with is what constitutes electrical work and they have had employees cited for carrying materials into a building site, one for setting up a ladder and one for carrying his tools into a building site. Stated that they went to trial on all of these issues in the county and never lost and were able to convince the judges that their statutes, which is similar to the City's, was vague and hard to tell exactly what they should be doing. Stated that the City has presented them with a list of citations, which go back about five or six years and is not sure if Mr. St. Peter was even aware of all of these citations because they are issued in the individual employees names and if they wanted to go and pay these off, he would never know.

CITY COUNCIL PROCEEDINGS

JOURNAL 185

FEBRUARY 14, 2006

PAGE 226

Stated that he does not know if the people who were cited worked for St. Electric at the time of the citation and none of them are working for him now and does not know the result of these citations. Stated that they would strongly object to any suggestion that the citations presented by staff indicate that he is doing shoddy work and would like the City Council to keep in mind as they are making their decision, that the two citations issued in October 2005, were both dismissed by the Municipal Court before they got involved in the case. Stated that he feels that there is a legitimate problem with the code as it applies to smaller contractors and feels that it would be helpful for everyone, including staff, if OCI would be directed to discuss these issues in their newsletter and solicit comments from contractors. Stated on behalf of Mr. St. Peter, he is asking that the City Council reverse the OCI Electrical Board of Appeals decision of January 2006 and that the OCI staff follow through on what its board told it to do back in May 2005, namely to come up with a full definition for these people.

- Mayor Mayans Mayor Mayans asked how would probation affect his client.
- Howard Boyd Mr. Boyd stated that it would be a public perception problem and that Mr. St. Peter has lost some customers over this and there are clients of his that are uncomfortable or feel that he has drawn negative attention from the inspectors and they can easily replace him, which they have done.
- Council Member Schlapp Council Member Schlapp asked where was Mr. St. Peter on the day that OCI was at the site and Mr. St. Peter was not present or no license electrician was there.
- Howard Boyd Mr. Boyd explained that on that day the evidence that came out of the December Board Meeting was that he had been there all day long and he went to go to the bathroom because this was not a working house and get gasoline for his truck and drop in on a competitor's site, because he had been asked for some advice and that he was no more than 10-15 minutes away at any point in time. Stated that he and all of his employees carry walkie-talkies and cell phones, so there was never a time when he was unavailable.
- Council Member Schlapp Council Member Schlapp stated that he was not at another work site, which is one of the conditions, that Mr. Boyd had spoke of and did not ask his staff to stop working while he was gone.
- Kurt Schroeder Superintendent of OCI stated that over the last 15-20 years, there had been numerous occasions where we have had problems on this particular issue of the supervision and there was an electrical board action in the early 1990's, in which Mr. St. Peter agreed to provide better supervision on his sites and was placed on probation at that time for a certain period of time. Stated that the issue of unsupervised people is not a common problem among most of the licensed active people although it is common for most electricians to have us leave a correction notice because they have missed something in an installation, which happens frequently. Stated that at that time in October 2005, the inspector that walked on the site and actually saw two people there pulling wire, working in an electrical box and doing electrical work and that is what was presented to the board based on the order of the superintendent. They gave them an opportunity to call and it was about 15 minutes, maybe longer before Mr. St. Peter arrived and he did admit in December 2005 that he did not direct his employees to stop doing electrical work while he went to get gas and check other sites.
- Mayor Mayans Mayor Mayans stated that the issue of technology is an important issue and needs to be taken into consideration with today's technology and that people are in close contact if there are issues of safety or knowledge. Stated that perhaps the issue of a job site even in light of new technology lends itself to interpretation, such as if you are working on two homes that are next to each other, you cannot be at both places at the same time. Stated issues similar to this have been dealt with in the health care industry. Stated that they have established protocols and would think that some of the rules that are in place for the medical industry, we could be thinking along those same lines of technology and establishing protocols and perhaps this is an area where we can begin to look at some of those more progressive ideas. Stated that he agrees that the OCI department should sit down with the board that regulates this and the people in the industry and visit about some of the interpretation of what constitutes supervision of apprentices, helpers and any kind of delineation concerning protocols of the things that they can and cannot do. Stated that this should be clearly spelled out and the definition of job site should also be an item of discussion. Stated that he would like to see those efforts being made.

CITY COUNCIL PROCEEDINGS

JOURNAL 185

FEBRUARY 14, 2006

PAGE 227

- Kurt Schroeder Superintendent of OCI stated that they update their codes on a three-year cycle and coordinate a lot of that review with industry representatives, such as independent contractors, union people, associations to get their input. Stated that the definition of a job site was broaden by the board to be close by within 10 minutes.
- Boyd Howard Mr. Howard stated that they have never understood exactly what the 10-minute rule meant. Stated the statute as they were interpreting says that you cannot work if the licensed person is not there but the letter dated May 23, 2005, said that you have a 10-minute window but on the other hand he is being suspended because he was not there within the 10-minute window when these guys were doing the electrical work. Still not sure if they can do electrical work in the 10-minute window or cannot do work or just hang out at the job site but he has to be no more than 10 minutes away. Stated that they thought that they were going to get something that contained a variety of definitions of these issues that we have been discussing. Stated that he does not think that the 10-minute rule is very logical and that the letter is hard to interpret.
- (Council Member Skelton momentarily absent)
- Council Member Martz Council Member Martz stated that this is coming from the board itself and they are saying that they recommend this kind of action and is not sure how the 10-minutes play in but believes that the board is recommending that from their standpoint, which are made up of professionals in this business, that there should be a professional licensed electrician on site where the work is being done. Stated that regardless of the number of sites that you have you are going to have a licensed master electrician around to do the supervising and that is at the place where the work is being done. Stated that part of the City's responsibility is to make certain that the citizens are protected and that is why there is the board of electricians to make sure that we have rules so that the type of work that is being done protects the citizens. Stated that he feels that part of the charge that we give our inspectors is to make sure that those rules are being followed and if they come on site and there is not a licensed electrician on site that they are to say why.
- Mayor Mayans Mayor Mayans asked if the 10-minute rule is written down somewhere.
- Kurt Schroeder Superintendent of OCI stated no and that it was directed by that order to provide them guidance because they were asking a lot of questions about it.
- Mayor Mayans Mayor Mayans stated that when we make some of these clarifications to the code that we should put some of those time elements in there.
- Council Member Fearey Council Member Fearey stated that she does not have a problem with reviewing the code again and that we appoint these boards that make these recommendations to the Council and thinks that it is important that we keep that in mind. Stated that these are professionals in their fields that we have on these boards.
- Council Member Brewer Council Member Brewer stated that the individuals that are sitting on these boards are the experts and that we need to take their recommendations. Stated that the person performing the work and the electrical contractors have a responsibility and an obligation to the public safety of the people in this community. Stated that we have a problem here but to put a business out of business and shutting them down, he cannot see that happening for this type of violation. Stated that there should be some kind of disciplinary action taken, whether it is probation or going back and having to go through some retraining through the City staff as to what the rules and guidelines are. Stated that maybe we should have some type of retraining program for all individuals who receive a citation for a violation and if you continue to have a violation then the electrical board will take away their license, which would take away any type of argument of saying there was not an effort made in retraining the individual and helping them.

CITY COUNCIL PROCEEDINGS

JOURNAL 185

FEBRUARY 14, 2006

PAGE 228

- Motion-- Mayans moved that Mr. St. Peter be granted probation from the effectiveness of such suspension for a period of six months, so long as he complies with the condition of such provision. The conditions of provisions are that Mr. St. Peter not violate section 19.8 050 of the Code of the City of Wichita and more specifically that he does not violate the order of the Superintendent of Central Inspection as contained in the letter of May 23, 2005 and instruct the staff of the Office of Central Inspection will work with the industries on the issue of the interpretation of supervision of apprentice helpers and the finishing of the job site.
- Council Member Brewer Council Member Brewer stated that on this Motion, if there is any violation within that six months time frame, will there be any consequences.
- Council Member Martz Council Member Martz asked if the boards recommendation is a standard 12 months.
- Kurt Schroeder Superintendent of Central Inspection stated that it is not and is based on the case at hand and the depth and breadth of the violation. Stated that they review all of the facts and try to determine what is reasonable.
- carried Motion carried 6 to 0, (Gray absent).

DEAN & DELUCA EXTENSION OF IRB TAX EXEMPTION, DEAN AND DELUCA, INC. (DISTRICT D)

Allen Bell Economic Development Administrator reviewed the item.

(Council Member Schlapp momentarily absent).

Agenda Report No. 06-0162

On December 12, 2000, City Council approved issuance of Industrial Revenue Bonds in three series: Series IX-A in the aggregate principal amount of \$2,760,000; Series IX-B, in the aggregate principal amount of \$660,724, and Series IX-C in the aggregate principal amount of \$1,568,751 to Dean and DeLuca, Inc. In conjunction with the bond issue, City Council approved 100% property tax abatement on bond-financed property for a 5-year, plus a second 5 years subject to Council review. Bond proceeds were used for the expansion of a 52,000 s.f. building addition at Dean & DeLuca's existing facility located 2526 E. 36th Street N. Circle. On December 31, 2005, the initial five-year period for tax exemption expired. Dean & DeLuca requests the City Council approve the second five years of tax exemption on bond-financed property.

Dean & DeLuca, Inc. is a purveyor of gourmet and specialty foods, wines and kitchenware. In addition to five specialty markets, eight cafés and one wine store spread throughout the United States, bulk of sales are made through the company's Internet/Direct operations—comprised of a Website and mail order catalogues, with expected circulation of approximately thirteen million orders filled during the year 2000 from the distribution center in Wichita.

As a condition of the bond issue and tax exemption, Dean & DeLuca committed to construct a 52,000 s.f. Building addition with a total investment of \$4,989,475, and create 255 new jobs within five years of the bond issue.

CITY COUNCIL PROCEEDINGS

JOURNAL 185

FEBRUARY 14, 2006

PAGE 229

A measure of Dean & DeLuca's initial five-year project commitments and outcomes are as follows:

2000 Commitment

December 31, 2005 Status

Construct new building addition
Create 255 new jobs in five years:

Completed 52,000 s.f. Building addition
Created 137 new jobs

Staff conducted a site-monitoring visit on September 30, 2004. Dean & DeLuca has come more than half way of meeting its job projection by creating 137 new permanent jobs. The company reports that the terrorist attacks of 9-11-2001 and the ensuing economic downturn has prevented the company from adding employees. As the economy has started to rebound, the company has started to increase its capacity and begin hiring again.

Dean & DeLuca has recently expanded its presence in Wichita by purchasing a former radio station facility at 2416 E.37th St. N. for use as a corporate office for Dean & DeLuca and other Leslie Rudd-owned enterprises.

In 2001, the appraised value of the exempted property was approximately \$3,894,350. That property's current appraised value is approximately \$3,024,870. Based on the 2005 mill levy, the 2006 taxes on the exempted property will be approximately \$343,190. Dean & DeLuca is current in payments of administrative service fees.

New benefit-to-cost ratios are as follow:

City of Wichita	1.23 to one
Sedgwick County 1	.04 to one
USD 259	1.00 to one
State of Kansas	2.31 to one

Section 7.5 of the lease provides the City Council reserves the right to terminate the exemption at the end of the first five-year period.

Each year, the City must re-certify to the County Clerk that the exempted property is still eligible in order to continue the property tax exemption for that year. This allows the City Council to review non-complying companies each year and revisit the decision to extend the exemption.

(Council Member Martz momentarily absent)

(Council Member Fearey momentarily absent)

Council Member Brewer Council Member Brewer stated that this company is a worldwide company and that it is a very impressive operation and that their headquarters is in Wichita. Stated that he personally feels that the Council should grant them the five-year extension.

Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion-- Brewer moved that the tax exemption on Dean & DeLuca's IRB Bond-financed property be extended for a five-year period.

Council Member Fearey Council Member Fearey stated that her concern with doing this for a five-year period is to keep us out of trouble. Stated that we have done a new matrix and been through some of these issues and we have turned some people down for a five-year extension and done a one-year extension because they had not met their goals. Stated that this is a great company and has no doubts that next year they would extend again but thinks that we need to be careful and that she will vote against the motion.

CITY COUNCIL PROCEEDINGS

JOURNAL 185

FEBRUARY 14, 2006

PAGE 230

Mayor Mayans Mayor Mayans stated that he agrees with Council Member Fearey and rather than voting against the motion would like possibly have it modified.

Amended Motion-- Brewer moved that the tax exemption on Dean & DeLuca's IRB bond-financed property be extended for a one-year period and the further extensions at the end of this year be reviewed. Motion

--carried carried 6 to 0, (Gray absent).

NMF AMERICA, INC. EXTENSION OF IRB TAX EXEMPTION, NMF AMERICA, INC. (DISTRICT II)

Allen Bell Economic Development Administrator reviewed the item.

Agenda Report No. 06-0163

On July 18, 2000, City Council approved issuance of Industrial Revenue Bonds in the amount of \$5 million to NMF America, Inc. In conjunction with the bond issue, City Council approved a 100% property tax abatement for a 5-year term on the project, plus a second 5 years subject to Council review. Bond proceeds were used to construct and equip a 40,000 s.f. manufacturing plant.

On November 18, 2003, the City Council approved the consent to transfer and sale of NMF America to SONACA America. NMF America had experienced severe financial pressures. SONACA (Societe Nationale de Construction Aeospaciale) NMF is a Belgian aerospace company. On December 31, 2005, the initial five-year period for tax exemption expired. NMF America, Inc. requests the City Council approve the second five years of tax exemption on bond-financed property.

NMF America, Inc. is a leader in the aerospace niche market of wing skin manufacturing, with annual sales of \$20 million. NMF America, Inc. manufacturing process involves the forming and finishing of aluminum wing panels used in the manufacture of business and regional jets, primarily for the Bombardier line of aircraft. NMF's decision to come to the Wichita area was motivated in large part by Bombardier's desire to have this prime sub-contractor located closer to what has become an important production center for Bombardier. They are also motivated by the opportunity to develop business relationships with the other aircraft manufacturers located in Wichita. NMF estimates that their products are present on 80% of all business jets being currently manufactured.

As a condition of the bond issue and tax exemption, NMF America committed to construct and install certain manufacturing equipment, with a total investment of \$5,000,000, and create 100 new jobs within five years of the bond issue.

A measure of NMF America's initial five-year project commitments and outcomes are as follows:

2000 Commitment	December 31, 2005 Status
Construct new building addition	Completed 40,000 s.f. manufacturing plant
Purchase Manufacturing Equipment:	Purchased equipment worth over \$2,120,300
Create 100 new jobs in five years:	Created 76 new jobs

Staff conducted a site-monitoring visit on May 20, 2003. NMF has come more than 3/4 of the way of meeting its job projection by creating 76 new permanent jobs. The company cites the events of 9/11/01 as the reason it was not able to meet its job creation commitment.

NMF has expanded its client base to include the military aerospace industry. As the economy has started to rebound, the company has started to increase its capacity and begin hiring again. The company often receives international visitors from Japan, Brazil, Canada, and Belgium on a monthly basis.

CITY COUNCIL PROCEEDINGS

JOURNAL 185

FEBRUARY 14, 2006

PAGE 231

In 2001, the appraised value of the exempted property was approximately \$3,611,215. That property's current appraised value is approximately \$3,596,320. Based on the 2005 mill levy, the 2006 taxes on the exempted property will be approximately \$423,632. NMF America is current in payments of administrative service fees. New benefit-to-cost ratios are as follow:

City of Wichita	1.64 to one
Sedgwick County	1.15 to one
USD 259	1.00 to one
State of Kansas	4.40 to one

Section 7.5 of the lease provides the City Council reserves the right to terminate the exemption at the end of the first five-year period.

Each year, the City must re-certify to the County Clerk that the exempted property is still eligible in order to continue the property tax exemption for that year. This allows the City Council to review non-complying companies each year and revisit the decision to extend the exemption.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--
--carried

Schlapp moved that the tax exemption on NMF's IRB Bond-financed property for a one-year period be extended and the further extensions at the end of this year be reviewed. Motion carried 6 to 0, (Gray absent).

AVIATION FESTIVAL 2006 WICHITA AVIATION FESTIVAL.

John D'Angelo

City Arts Director reviewed the item.

(Mayor Mayans momentarily absent, Vice-Mayor Schlapp at the chair)

Agenda Report No. 06-0164

WFI successfully fulfilled the requirements as stipulated in their contract with the City for completion of the 2005 Wichita Flight Festival. Upon completion of a successful 2005 festival, WFI has concluded they have the professional services to produce, market, and manage the 2006 Wichita Flight Festival, which will include the following components.

- Event concept development and strategic planning;
- Site evaluation and planning;
- Promotion/marketing plan;
- Budget planning;
- Ticketing;
- Facility preparation and operations;
- Airshow and attractions and;
- Performance criteria and financials.

It was deemed by City Council that WFI should produce, market, and manage the 2005 Wichita Flight Festival. WFI is ready, willing, and able to provide the professional services necessary to accomplish the 2006 Wichita Flight Festival as concluded by the past performance of successful production, marketing, and management of the River Festival and the 2005 Wichita Flight Festival.

The proposed WFI contract will include an up front payment of \$25,000 from the City, with additional amounts paid based on the completion of agreed project milestones. A retainer of \$10,000 will be withheld pending successful completion of all the tasks outlined in the contract and this scope of work. The City desires a festival that is both economically sound and has high public appeal. An expected performance benchmark is 9,000 in paid ticket sales. WFI will submit to the City financial reports detailing budget projections and actual expenditures. The first report will be due six months from the contract execution date, with reports also due two months before the event and 30 after the event.

CITY COUNCIL PROCEEDINGS

JOURNAL 185

FEBRUARY 14, 2006

PAGE 232

The City will provide \$75,000 in funding to WFI for successful completion of this contract. A project budget of \$336,000 is proposed for the 2006 Wichita Flight Festival. This will fund primarily entertainment, security, facilitated charges, promotion, and a variety of ancillary costs. Revenue is estimated at \$261,000, derived mostly from sponsorships, admission fees and concessions. An operating deficit of \$75,000 is assumed for the 2006 festival. However, the actual deficit could be as high as \$336,000 or as low at \$0. After the conclusion of the festival, a transfer from the Tourism and Convention Fund will offset any project deficit.

Law Department has prepared and approved the Agreement for Production, Marketing and Management of the 2006 Wichita Flight Festival.

Council Member Schlapp Council Member Schlapp inquired whether anyone wished to be heard and no one appeared.

Motion-- Fearey moved that the contract with WFI for \$75,000, the 2006 Wichita Flight Festival project budget of \$336,000, and the transfer of funds and any necessary budget adjustments from the Tourism and Convention Fund to cover any project deficit, up to \$336,000 be approved. Motion
--carried carried 5 to 0, (Mayans and Gray absent).

VISITORS BUREAU CONTRACT RENEWAL: CONVENTION AND VISITORS BUREAU.

Jessica Johnson Marketing Director reviewed the item.

Agenda Report No. 06-0165

2005 brought several successes to the GWCVB. They met their primary goal of securing 102,000 convention room nights as well as 4,180 group tours – exceeding that goal to 4,904 passengers that visited Wichita for a group tour. They also increased their membership, helping lead the way for additional private investment and in-kind funds exceeding their goal of \$275,000. The only goal not met was on overnight group tour sales, with a goal of 2,856 people and the actual amount of 1,546. Bus tours are simply not as popular as had been in the past.

The Contract for the current fiscal year was negotiated with staff and representatives from the Greater Wichita Convention and Visitors Bureau. The results are a proposed 2006 contract with important goals for the CVB outlined in detail in “Exhibit B.” Exhibit B also has some changes worth noting. A special effort was made to include relevant and measurable goals in a performance matrix that will better showcase the progress of the CVB. For the first time, there are now established benchmark goals – a better foundation to increase every year, rather than incrementally as in the past. For example, efforts will now track room nights by using an average number from the benchmark established over the past five years and increase based on that number. This avoids being eventually “topped out” on room night goals and allows for peaks and valleys such as when large conventions are in town. The CVB will continue to strive to exceed the base goal and try and secure larger conventions approximately every 5 years. A new contract highlight is on #6B that challenges the GWCVB to raise more cash, with the reward of a dollar per dollar match if they exceed their goal (capped at \$75,000).

The proposed budget with the GWCVB provides for funding for \$1,750,330. The 2006 contract increases the CVB's allocation by \$34,510 from 2005 Adopted allocation of \$1,715,820. The Tourism and Convention Fund will also finance an additional payment of up to \$75,000 to the GWCVB, as a dollar for dollar match for any funds raised in 2006 over the baseline goal of \$200,000.

The agreement has been approved as to form by the Department of Law.

CITY COUNCIL PROCEEDINGS

JOURNAL 185

FEBRUARY 14, 2006

PAGE 233

John Rolfe Greater Wichita Convention and Visitors Bureau highlighted what took place in 2005 and reviewed the 2006 initiatives.

Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion-- Mayans moved that the Contract with the Convention and Tourism Bureau be approved and the
--carried necessary signatures authorized. Motion carried 6 to 0, (Gray absent).

LEGIS. PRIORITIES 2007 FEDERAL LEGISLATIVE PRIORITIES.

Jeanne Goodvin Government Relations reviewed the item.

Agenda Report No. 06-0166

The City Council reviewed departmental requests for 2007 federal legislative assistance, at its February 7, 2006 workshop. Departments submitted a total of twenty-two requests for Council consideration. The discussion resulted in a number of suggestions by Council members. Letters to FEMA and the Corp of Engineers were to be drafted to ensure support of federal dollars for projects already committed to by the City of Wichita. Additionally, the Council requested that support for the Heartland Readiness Center be included in the Federal Agenda. The City Council was requested to choose eight priority departmental requests and to add Council priorities not suggested by staff to the Agenda.

At the February 7, 2006 workshop the City Council discussed issues to be presented to the federal delegation. It was the consensus of the Council to have each council member rank the suggested issues and add other issues if desired. Staff tabulated the priority sheets, and due to a voting tie, identified the top ten federal legislative priorities. Funding amounts shown are only for federal dollars requested. Total project costs will be more fully defined in the Federal Agenda book.

Staff will prepare a 2007 Federal Legislative Requests notebook with the priority issues identified by the City Council to be followed by other issues of importance to the City. These issues will be presented as priorities during the meeting with the Kansas Congressional Delegation in Washington D.C during the NLC 2006 Annual Congressional City Conference (March 12-15).

Some federal requests require local matching funds. Historically, the City has identified a variety of sources to provide local matching funds and will continue to do so for City Council priorities.

Should federal funding be secured contracts and/or memorandums of understanding will be initiated as appropriate.

Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--carried Mayans moved that the 2007 Federal Legislative priorities be approved. Motion carried 6 to 0, (Gray absent).

CITY COUNCIL PROCEEDINGS

JOURNAL 185

FEBRUARY 14, 2006

PAGE 234

STREET PERFORM. **STREET PERFORMER ORDINANCE.**

John D'Angelo

City Arts Director reviewed the item.

Agenda Report No. 06-0167

The City Council has found the existence of street performers provides a public amenity that enhances the character of the City and seeks to encourage such performances in a manner that is consistent with overall public interest. A committee consisting of the Wichita Downtown Development Corporation, Staff from the Division of Arts & Cultural Services and the City Legal Department met to draw up a set of guidelines and criteria for this Chapter designed to encourage performances by street performers while protecting the safety and civil liberties of local citizenry.

Guidelines included in the chapter set distance limitations from businesses, residences and public service amenities applicable to performers and crowds they attract. It also imposes reasonable time, place, and manner restrictions on street performers to the extent necessary to ensure the safety of the performers, their audiences and the general public, the orderly movement of traffic and to prevent unreasonable interference with residents' enjoyment and peace and quiet in their homes or the ability for businesses to operate and conduct their business.

This Chapter does not require license fees for expressive performances, but does require ancillary sales activities comply with existing City Code provisions when applicable. An inconsistent provision in the Code relating to loitering is amended as appropriate.

No financial considerations.

Law Department has prepared and approved the proposed ordinance.

Mayor Mayans

Mayor Mayans asked where these people would be able to perform since there seems to be so many restrictions.

Gary Rebenstorf

Director of Law explained that from what we are looking at is that the sidewalks and those types of areas that are deemed to be public property and under the rulings of the Supreme Court on what areas could be used for first amendment expression, it would be those type of areas that they could perform in and the narrowing down is to make sure that we address the public safety issues of not having the performers interfere with people who are trying to go to businesses or walk down the street or interfere with anything that may cause a public safety issue. Stated that one of the reasons that we wanted to make sure that we covered as many issues that we can is that this is a regulatory type ordinance and if you have a lot of discretion in a ordinance like this that does not define the areas where you can participate, then we would have a problem enforcing it.

Ed Wolverton

Mr. Wolverton stated that this has been endorsed by the Board of Directors Downtown Development Corporation along with the Old Town Association, formally known as the Merchants of Old Town. Stated that they also did a presentation to DAB VI and they were supportive of it and is something that they see will enliven and enrich the urban experience and are hopeful that the City Council will adopt it.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--
--carried

Mayans moved that the ordinance creating new regulations regulating street performers and modifying the City Code relating to loitering be placed on first reading. Motion carried 6 to 0, (Gray absent).

ORDINANCE

An Ordinance creating Chapter 10.36, pertaining to street performers and amending Section 5.48.040 and repealing the original of same pertaining to loitering of the Code of the City of Wichita, Kansas, introduced and under the plans laid over.

CITY COUNCIL PROCEEDINGS

JOURNAL 185

FEBRUARY 14, 2006

PAGE 235

KRUG PETITION

PETITIONS TO CONSTRUCT PAVING AND WATER IMPROVEMENTS IN KRUG NORTH, KRUG NORTH SECOND AND EAST SIDE COMMUNITY CHURCH ADDITIONS, NORTH OF 21ST STREET, WEST OF 143RD STREET EAST. (DISTRICT II)

Jim Armour

City Engineer reviewed the item.

Agenda Report No. 06-0168

On April 13, 2004, and July 20, 2004, the City Council approved paving and water Petitions for Krug North Addition and East Side Community Church Addition. A portion of Krug North Addition was subsequently replatted into Krug North 2nd Addition. The developer has submitted new Petitions to modify the assessments to the undeveloped lots in the improvement districts to reflect the platting of Krug North 2nd Addition. The lots that have been purchased by new homebuyers will not be affected. The Petitions have been signed by Ritchie Development Corporation, various homebuilders, and East Side Community Church of God, who own all the affected lots. Those signatures represent 82% of the improvement district and 100% of the lots affected by the new Petitions.

The projects will provide paving and water improvements for residential and church developments located north of 21st, west of 143rd St. East.

The Petition budgets are unaffected.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of a majority of property in the improvement district.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--
--carried

Schlapp moved that the Petitions be approved; the Resolutions adopted and the necessary signatures authorized. Motion carried 6 to 0, (Gray absent).

RESOLUTION NO. 06-060

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System No. 448-89933 (north of 21st Street, west of 143rd Street East) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Schlapp moved that the Resolution be adopted. Motion carried 6 to 0, (Gray absent). Yeas: Brewer, Fearey, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 06-061

Resolution of findings of advisability and Resolution authorizing improving an Accel/Decel Lane on 21st Street North, to serve Castle Rock, together with a left turn lane on 21st Street North from Castle Rock to the major entrance to East Side Community Church 2nd Addition (north of 21st, west of 143rd Street East) 472-83977, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Schlapp moved that the Resolution be adopted. Motion carried 6 to 0, (Gray absent). Yeas: Brewer, Fearey, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 06-062

Resolution of findings of advisability and Resolution authorizing improving a left turn lane on 143rd Street East to serve the northbound traffic, (north of 21st Street, west of 143rd Street East) 472-83978, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Schlapp moved that the Resolution be adopted. Motion carried 6 to 0, (Gray absent). Yeas: Brewer, Fearey, Martz, Schlapp, Skelton, and Mayans.

CITY COUNCIL PROCEEDINGS

JOURNAL 185

FEBRUARY 14, 2006

PAGE 236

RESOLUTION NO. 06-063

Resolution of findings of advisability and Resolution authorizing improving a two-lane asphalt mat on 143rd Street East, from the north line of 21st Street North to the north line of 24th Street North, (north of 21st, west of 143rd Street East) 472-83979, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Schlapp moved that the Resolution be adopted. Motion carried 6 to 0, (Gray absent). Yeas: Brewer, Fearey, Martz, Schlapp, Skelton, and Mayans.

PAWNEE MESA PET. PETITION TO CONSTRUCT A STORM WATER SEWER TO SERVE LOTS 25-36, BLOCK 13, PAWNEE MESA ADDITION, NORTH OF PAWNEE, EAST OF 119TH STREET WEST. (DISTRICT IV)

Jim Armour

City Engineer reviewed the item.

Agenda Report No. 06-0169

The signatures on the Petition represent 15 of 22 (68.2%) resident owners and 74.5% of the improvement district area. District IV Advisory Board sponsored a January 18, 2005, neighborhood hearing on the project. The Board voted 9-2 to recommend approval of the project.

The project will construct a storm water sewer for a residential area with back yards that do not drain properly, resulting in stagnant water that kills grass and can breed mosquitoes.

The project budget contained in the Petition is \$90,000, with the total assessed to the improvement district. The method of assessment is the square foot basis. The estimated assessment to individual properties is \$00.95 per square foot of ownership. In addition, it is proposed that the project budget be increased to include work in Pawnee Street right-of-way. The estimated cost of the additional work is \$45,000, funded by the Storm Water Utility, for a total cost of \$135,000. Funding for the Utility share is budgeted in the Drainage Hot Spot Program.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of a majority of property in the improvement district.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard.

Jim (inaudible)

Stated that he is a resident in this area and lives in the north end of this district and that they have zero problems with drainage and that the problem has been caused by people down the south end of the block that have impeded the water flow. Stated that there have been people who have put fences, built up gravel and put down railroad ties. Stated that all of these things have impeded the water flow, which causes drainage problems. State that he has spoke to the original owner of his house and was told that there was no water drainage problems at all in that area until these people did these things. Stated that he feels that it is unfair to some of the residents to have to pay, which is \$600.00 a year for 20 years for specials because it does not provide a benefit to the residents who live on the north end of this block. Asked the Council to take that into consideration.

Motion--carried

Mayans moved to defer this item until Council Member Gray is present. Motion carried 6 to 0, (Gray absent)

CITY COUNCIL PROCEEDINGS

JOURNAL 185

FEBRUARY 14, 2006

PAGE 237

HARRY ST. IMPROV. HARRY STREET IMPROVEMENT FROM K-42 HIGHWAY TO MERIDIAN. (DISTRICT IV)

Jim Armour

City Engineer reviewed the item.

Agenda Report No. 06-0170

On September 20, 2005, the City Council approved a project to improve Harry Street, from K-42 Highway to Meridian. Based on recent bid prices, it is doubtful that a construction contract can be awarded within the project budget approved by the City Council. An amending Ordinance has been prepared to increase the project budget.

The project will reconstruct Harry to provide two through lanes and a center two-way left turn lane. A new storm water sewer will be built. Construction is planned for this year.

The current budget is \$995,000 with the total paid by General Obligation Bonds. The proposed increased budget is \$1,400,000 with the total paid by General Obligation Bonds. Funding for the increased budget is available from under expenditures in the Meridian improvement, between 31st St. South and Pawnee.

The Law Department has approved the amending Ordinance as to legal form.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--
--carried

Mayans moved that the revised project budget be approved and the amending Ordinance placed on first reading. Motion carried 6 to 0, (Gray absent).

ORDINANCE

An Ordinance amending Ordinance No. 46-668 of the City of Wichita, Kansas declaring Harry Street, between K-42 Highway and Meridian (472-84001) to be a main trafficway within the City of Wichita Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of the same, introduced and under the plans laid over.

PLANNING AGENDA

Motion--
--carried

Mayans moved that the Planning Consent Items be approved in accordance with the recommended action shown thereon. Motion carried 6 to 0, (Gray absent).

SUB2003-82

SUB2003-82-PLAT OF STONEBRIDGE ADDITION, LOCATED WEST OF 159TH STREET EAST AND ON THE NORTH SIDE OF 13TH STREET NORTH. (COUNTY)

Agenda Report No. 06-0171

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (12-0)

This site, consisting of 165 lots on 75.36 acres, is located in the County within three miles of Wichita's city limits. A County zone change (ZON 2003-41) from SF-20, Single-Family Residential District to SF-5, Single-Family Residential District has been approved.

A petition for paving and drainage improvements will be handled by the County. Other petitions, 100%, have been submitted to the City for sewer and water improvements. Both a City and County Certificate of Petitions have also been submitted. Restrictive Covenants were submitted to: 1) create a Lot Owners' Association for the ownership and maintenance of the proposed reserves being platted for

CITY COUNCIL PROCEEDINGS

JOURNAL 185

FEBRUARY 14, 2006

PAGE 238

drainage purposes; 2) provide four off-street parking spaces per dwelling unit on each lot that abuts a 58-foot street; and 3) allow for an emergency access opening. An Outside the City Water Agreement has also been submitted.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days.

The Certificate of Petitions, Restrictive Covenants and Application for Water Service will be recorded with the Register of Deeds.

Motion--
--carried

Mayans moved that the documents and plat be approved; the necessary signatures authorized and the Resolutions adopted. Motion carried 6 to 0, (Gray absent)

RESOLUTION NO. 06-065

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System No. 448-90168 (north of 13th, west of 159th Street East) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0, (Gray absent). Yeas: Brewer, Fearey, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 06-066

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System No. 448-90169 (north of 13th, west of 159th Street East) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0, (Gray absent). Yeas: Brewer, Fearey, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 06-067

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System No. 448-90170 (north of 13th, west of 159th Street East) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans Moved that the Resolution be adopted. Motion carried 6 to 0, (Gray absent). Yeas: Brewer, Fearey, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 06-068

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System No. 448-90171 (north of 13th, west of 159th Street East) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0, (Gray absent). Yeas: Brewer, Fearey, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 06-069

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System No. 448-90172 (north of 13th, west of 159th Street East) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0, (Gray absent). Yeas: Brewer, Fearey, Martz, Schlapp, Skelton, and Mayans.

CITY COUNCIL PROCEEDINGS

JOURNAL 185

FEBRUARY 14, 2006

PAGE 239

RESOLUTION NO. 06-070

Resolution of findings of advisability and Resolution authorizing construction of Lateral 1, Main 19, Four Mile Creek Sewer (north of 13th, west of 159th Street East) 468-84146, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0, (Gray absent). Yeas: Brewer, Fearey, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 06-071

Resolution of findings of advisability and Resolution authorizing construction Lateral 2, Main 19, Four Mile Creek Sewer (north of 13th, west of 159th Street East) 468-84147, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0, (Gray absent). Yeas: Brewer, Fearey, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 06-072

Resolution of findings of advisability and Resolution authorizing construction of Lateral 3, Main 19, Four Mile Creek Sewer (north of 13th, west of 159th Street East) 468-84148, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0, (Gray absent). Yeas: Brewer, Fearey, Martz, Schlapp, Skelton, and Mayans.

SUB2005-40

SUB2005-40-PLAT OF THE WOODS ADDITION, LOCATED EAST OF 151ST STREET WEST AND ON THE NORTH SIDE OF MAPLE. (DISTRICT V)

Agenda Report No. 06-0172

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (8-4)

The four Planning Commissioners that voted in opposition had concerns regarding a bike path easement.

This site, consisting of 109 lots on 75.30 acres, was recently annexed into Wichita's city limits. This site is zoned SF-5, Single-family Residential District.

Petitions, 100 percent, and a Certificate of Petitions have been submitted for sewer, water, paving and drainage improvements. Restrictive Covenants were submitted to: 1) create a Lot Owners' Association for the ownership and maintenance of the proposed reserves being platted for drainage purposes; 2) provide four off-street parking spaces per dwelling unit on each lot that abuts a 32 or 58-foot street; and 3) outline restrictions for lot-owner use for platting of narrow street right-of-way with adjacent 15-foot street drainage and utility easements.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days.

The Certificate of Petitions and Restrictive Covenants will be recorded with the Register of Deeds.

Motion--
--carried

Mayans moved that the documents and plat be approved and the necessary signatures authorized. Motion carried 6 to 0, (Gray absent).

CITY COUNCIL PROCEEDINGS

JOURNAL 185

FEBRUARY 14, 2006

PAGE 240

RESOLUTION NO. 06-073

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System No. 448-90163 (east of 151st Street West, north of Maple) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0, (Gray absent). Yeas: Brewer, Fearey, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 06-074

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System No. 448-90164 (east of 151st Street West, north of Maple) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0, (Gray absent). Yeas: Brewer, Fearey, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 06-075

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System No. 448-90165 (east of 151st West, north of Maple) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0, (Gray absent). Yeas: Brewer, Fearey, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 06-076

Resolution of findings of advisability and Resolution authorizing construction of Main 8, Cowskin Interceptor Sewer (east of 151st West, north of Maple) 468-84128, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0, (Gray absent). Yeas: Brewer, Fearey, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 06-077

Resolution of findings of advisability and Resolution authorizing construction of Lateral 1, Main 8, Cowskin Interceptor Sewer (east of 151st West, north of Maple) 468-84129, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0, (Gray absent). Yeas: Brewer, Fearey, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 06-078

Resolution of findings of advisability and Resolution authorizing construction of Lateral 2, Main 8, Cowskin Interceptor Sewer (east of 151st West, north of Maple) 468-84130, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0, (Gray absent). Yeas: Brewer, Fearey, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 06-079

Resolution of findings of advisability and Resolution authorizing improving Storm Water Drain No. 287 (east of 151st Street West, north of Maple) 468-84131, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0, (Gray absent). Yeas: Brewer, Fearey, Martz, Schlapp, Skelton, and Mayans.

CITY COUNCIL PROCEEDINGS

JOURNAL 185

FEBRUARY 14, 2006

PAGE 241

RESOLUTION NO. 06-080

Resolution of findings of advisability and Resolution authorizing constructing pavement on Country View Ln. from the south line of the Plat, north to the west line of Fawnwood on Fawnwood from the north line of Lot 11, Block a, south to the south line of City View, and on City View from the west line of Fawnwood, east to the east line of Lot 31, Block B and on Country View Ct. from the east line of Country View Ln., east to and including the cul-de-sac and that sidewalk be constructed on Country View Ln., Fawnwood, and City View (east of 151st Street West, north of Maple) 472-84359, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0, (Gray absent). Yeas: Brewer, Fearey, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 06-081

Resolution of findings of advisability and Resolution authorizing constructing pavement on Fawnwood from the North line of Lot 11, Block A, north to the North Line of the Plat; on Jayson from the West Line of Fawnwood, west to the West Line of the Plat, on Kennedy from the East Line of Fawnwood, to the West Line of Jayson; on Jayson from the East Line of Kennedy, east to the West Line of City View; and on City View and City View Cir. from the North Line of Lot 31, Block B, north to and including the cul-de-sac and on Fawnwood Ct. from the West Line of Fawnwood, west and north to and including the cul-de-sac and that sidewalk be constructed on Fawnwood, Jayson, Kennedy and City View (east of 151st Street West, north of Maple) 472-84360, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0, (Gray absent). Yeas: Brewer, Fearey, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 06-082

Resolution of findings of advisability and Resolution authorizing constructing pavement on City View and City View Ct., from the North Line of Burton, as platen in Shadow Woods Addition, north and east to and including the cul-de-sac (east of 151st Street West, north of Maple) 472-84361, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0, (Gray absent). Yeas: Brewer, Fearey, Martz, Schlapp, Skelton, and Mayans.

A06-6R

A06-6R-REQUEST BY RONALD J. CORNEJO, OF R.R.M. PROPERTIES, L.L.C., TO ANNEX LAND GENERALLY LOCATED TO THE WEST OF GREENWICH ROAD, BETWEEN 21ST STREET AND 13TH STREET. (DISTRICT II)

Agenda Report No. 06-0173

The City has received a request to annex 10.8 acres of land generally located west of Greenwich Road, between 21st Street and 13th Street. The annexation area abuts the City of Wichita to the north. The proposed property is currently developed with a 2,532 sq. ft. industrial structure with approximately 45,000 sq. ft. of exterior site improvements. The property owner does not anticipate any further development of the proposed property at this time.

Land Use and Zoning: The proposed annexation consists of approximately 10.8 acres of property currently zoned "GI" General Industrial, which upon annexation will remain "GI" General Industrial. Property to the south of the subject property is zoned "GI" General Industrial and is currently developed for industrial uses. The property to the west of the subject property is zoned "LI" Limited Industrial, while property to the east of the subject property is zoned "SF-20" Single-Family Residential. Property to the north is zoned "SF-5" Single-Family Residential. Properties to the north, east and west are currently vacant. In addition, along the north edge of the property is an old railroad line that is scheduled to be rail banked by the City in the near future.

CITY COUNCIL PROCEEDINGS

JOURNAL 185

FEBRUARY 14, 2006

PAGE 242

Public Services: A 16" water main is under construction in Greenwich across the east side of the subject property. The nearest sewer line are a 21" main north of the railroad right-of-way and KGE highline easement or an 8" line about 1/4 mile east of the subject property at the Chapel Hill Addition.

Street System: The subject property borders Greenwich Road to the east, which is currently a paved, two-lane road. The City of Wichita Capital Improvement Program (CIP) 2005-2014 has scheduled Greenwich Road to be widened, east of the subject property, from Central to 29th Street. The Sedgwick County Capital Improvement Program 2006-2010 and the 2006 Transportation Improvement Program do not call for improvements at the proposed annexation site.

Public Safety: Fire services to this site can be provided by the City of Wichita within a five (5) to six (6) minute approximate response time from City Station No. 18, located at 2808 N. Webb. Upon annexation, police protection will be provided to the area by the Patrol East Bureau of the Wichita Police Department, headquartered at 350 S. Edgemoor.

Parks: Northeast Sports Complex, a 60-acre park, is located approximately 2 miles to the north of the proposed annexation site and is currently being developed for youth athletics. Eastview Park, a 20-acre park, is located approximately 3 miles to the west from the proposed annexation site and contains a paved exercise trail with 20 exercise stations, a softball diamond, 2 lighted tennis courts, a soccer field, children's play area and a parking lot. According to the 1996 Parks and Open Space Master Plan, a pathway has been proposed that would run along the north edge of the proposed property, along the old railroad right-of-way.

School District: The annexation property is part of the Unified School Districts 259 (Wichita School District). Annexation will not change the school district.

Comprehensive Plan: The proposed annexation is consistent with the Wichita-Sedgwick County Comprehensive Plan. The annexation property falls within the 2030 Wichita Urban Growth Area as shown in the Plan.

The current approximate appraised value of the proposed annexation lands, according to County records, is \$376,620 with a total assessed value of \$73,820. Using the current City levy (\$31.828/\$1000 x assessed valuation), this roughly yields \$2,957 in City annual tax revenues for the property. The future assessed value of this property will depend on the type and timing of any other developments on the proposed annexation property and the current mill levy. At this time, the property owner is not anticipating any further development of this property.

The property is eligible for annexation under K.S.A. 12-519, et seq.

Motion--
--carried

Mayans moved that the annexation request be approved and the Ordinance placed on first reading. Motion carried 6 to 0, (Gray absent).

ORDINANCE

An Ordinance including and incorporating certain blocks, parcels, pieces and tracts of land within the limits and boundaries of the City of Wichita, Kansas, introduced and under the plans laid over.
(A06-06)

CITY COUNCIL PROCEEDINGS

JOURNAL 185

FEBRUARY 14, 2006

PAGE 243

HOUSING AGENDA

Motion--
--carried

Inafay Grays McClellan moved that the Housing Consent Items be approved in accordance with the recommended action shown thereon. Motion carried 7 to 0, (Gray absent).

SECTION 8

SECTION 8 FAMILY SELF-SUFFICIENCY YEAR-END 2005 REPORT.

Agenda Report No. 06-0174

This is an annual report to provide information on the Housing and Community Services Department, Section 8 Family Self Sufficiency Program activities for 2005. The Family Self Sufficiency (FSS) program was created in 1990 as a result of the National Affordable Housing act. The program was voluntary until 1993, when it became a mandatory part of mid to large Housing Authority administering Section 8 rental assistance Program.

The federal vision for the Family Self Sufficiency program is to match Section 8 participants with existing community resources and services, in order for them to achieve economic self-sufficiency. The Family Self Sufficiency Program helps participating families obtain job training or educational development, which can lead to employment or enhanced employment.

Participants in the Section 8 Family Self Sufficiency program sign a contract that stipulates the head of the household will get a job and the family will no longer receive welfare assistance at the end of their five-year term. As the family's income rises during the term of the FSS contract, a portion of that increased income is deposited in an interest-bearing escrow account. If the family completes its FSS contract, the family receives the escrow funds that they can use for any purpose, including down payment on a home purchase, paying educational expenses, starting a business or paying back debts.

The report reflects Family Self Sufficiency and Section 8 Housing Choice Voucher Homeownership Program activities during 2005.

Over the past three years the Section 8 Family Self Sufficiency program has been rated a high performer and self-evaluation indicates the same for 2005. Since the inception of the FSS Program, 76 families have successfully graduated from the program. Families participating have finished school, cleaned up their credit, received Bachelor's Degrees, full time employment or started a business, and all families were no longer receiving cash assistance for one or more years prior to graduating. Thirty-six families have purchased their first home and are now homeowners; 25 of them entered into the Housing Choice Voucher Homeownership Program which allows vouchers to be used for mortgage payments. Two families no longer require financial assistance through the voucher program.

In September 2005, the Department of Housing and Urban Development announced that the Wichita Housing Authority has been approved for renewal funding in 2006 for two Family Self Sufficiency Coordinator positions and the Section 8 Housing Choice Voucher Program was successful in receiving additional funding for a Homeownership position. This position will assist families that have chosen homeownership as their goal.

Motion--carried

Mayans moved to receive and file the report. Motion carried 7 to 0, (Gray absent).

CITY COUNCIL PROCEEDINGS

JOURNAL 185

FEBRUARY 14, 2006

PAGE 244

SEMAP

SECTION 8 MANAGEMENT ASSESSMENT PROGRAM, (SEMAP).

Agenda Report No. 06-0175

On October 6, 1998 HUD issued final rules for the Section 8 Rental Voucher and Certificate Programs, Section 8 Management Assessment Program (SEMAP). SEMAP is a Management Assessment System that HUD will use to measure annually the performance of all Housing Agencies that administer the Section 8 Tenant Based Rental Assistance Programs. Under the SEMAP, HUD will assess Housing Authorities performance on 14 Key Indicators that show how well eligible families are helped to afford decent rental units at a reasonable subsidy cost.

The Housing Authority (HA) must certify as to their program performance under these 14 standards 60 days after the Housing Authority's first fiscal year ends. The Wichita Housing Authority's fiscal year ends December 31, 2005, so the first certification will be due March 1, 2006.

The indicators are:

1. Selection from the Waiting List (15 points): The HA has a written policy for selecting applicants and follows these policies when selecting applicants from the waiting list.
2. Reasonable Rent (20 points): The HA has implemented written methods to determine reasonable rents.
3. Determination of Adjusted Income (20 points): The HA correctly determines adjusted annual income.
4. Utility Allowance Schedule (5 points): The HA maintains up to date utility allowance schedules.
5. HQS Quality Control Inspections (5 points): An HA supervisor re-inspects a sample of units for Quality Control.
6. HQS Enforcement (10 points): HQS inspection deficiencies are corrected in a timely manner.
7. Expanding Housing Opportunities (5 points): The HA has adopted and implemented a written policy to encourage participation in areas outside poverty or minority concentrations.
8. FMR limit and Payment Standards (5 points): Gross rents for 98% of new units leased is applicable and reasonable.
9. Annual Reexaminations (10 points): The HA completes an annual reexamination for each tenant.
10. Correct Tenant Rent Calculations (5 points): The HA correctly calculates tenant rents.
11. Pre-Contract HQS Inspections (5 points): Newly leased units pass HQS before the beginning date of lease.
12. Annual HQS Inspections (10 points): Each unit is inspected annually and on time.
13. Lease up (20 points): The HA enters Hap contracts for the number of units under budget for at least one year. The standard is 98%.
14. Family Self-Sufficiency Enrollment and Escrow Accounts (10 points): Measures the percentage of required families enrolled in FSS program and the percentage that has escrow accounts. The standards are 80% and 30%, respectively.

CITY COUNCIL PROCEEDINGS

JOURNAL 185

FEBRUARY 14, 2006

PAGE 245

The total of points that may be awarded is 145. Five bonus points are available to Housing Authorities that achieve certain de-concentration goals during the year. A housing authority with a SEMAP score of at least 90% shall be rated a High Performer. Housing Authorities with a SEMAP score of 60-80% shall be rated Standard. Housing Authorities with scores of less than 60% shall be rated "troubled" and shall be subject to a HUD onsite review and development of a corrective action plan.

The Wichita Housing Authority Section 8 Voucher program has been rated a high performer for three years and self-evaluation indicates the same for 2005.

Housing authorities with a "high performer" rating may be given competitive advantage under notices of fund availability.

Motion--
--carried

Mayans moved that the Certification relative to the submission of the 2005 Section 8 Management Assessment Program (SEMAP) be approved. Motion carried 7 to 0, (Gray absent).

ASSESS. SYSTEM

2005 PUBLIC HOUSING ASSESSMENT SYSTEM.

Agenda Report No. 06-0176

On January 11, 2000, HUD published 24 CFR Part 902 in the Federal Register requiring housing authorities to submit The Public Housing Assessment System (PHAS) Certification. The evaluation system designates public housing authorities as High Performers, Standard Performers or Troubled Performers. Housing authorities that score 90 or higher on a 100-point scale will be judged to be High Performers and will be given more operating flexibility. Housing authorities that score above 60 and below 90 will be judged to be Standard Performers.

Housing authorities scoring below 60 will be judged to be Troubled Performers under PHAS and will receive help from HUD's Troubled Agency Recovery Center to improve their performance and meet HUD's new standards. If a troubled housing authority fails to significantly improve its performance a year after it is referred to the Recovery Center, HUD's Enforcement Center can ask a federal judge to create a receivership to take over management of the authority and remove its board members from office. HUD can also seek civil and criminal sanctions against housing authorities in the most serious cases.

The key elements of the PHAS Certification are the following:

Physical Inspections – 30% of score – HUD conducts the physical inspection of all public housing developments. Evaluations are based on objective, verifiable and uniform national standards designed to determine if public housing residents receive decent, safe and sanitary housing.

Financial Assessment – 30% of score – HUD will evaluate the financial condition of the WHA, using generally accepted accounting principles. The Wichita Housing Authority (WHA) accountants will electronically submit standardized financial information to HUD prior to March 1, 2005.

Management Review – 30% of score – HUD measures six management indicators. These indicators include unit turnaround time, Capital Fund expenditures, completion time of maintenance work orders, annual inspections lease enforcement and resident self-sufficiency.

Resident Satisfaction and Services Assessment – 10% of score – HUD will survey public housing residents about their satisfaction with the developments in which they reside. Residents are asked their opinion of the quality of their dwelling units, resident organizations, program activities, safety and other issues.

The 2005 PHAS Management Certification. The overall PHAS score is calculated based upon all indicators and graded by HUD's computer. Modernization and work orders should be scored high as they have been in the past. The vacancy turnaround time increased slightly in 2005 compared to the 2004 total due to an increased number of move outs resulting from evictions for tenant non-compliance.

CITY COUNCIL PROCEEDINGS

JOURNAL 185

FEBRUARY 14, 2006

PAGE 246

The Public Housing Division made ready and leased 109 units in 2005 compared to 104 units in 2004. The final results of the Financial Assessment and Resident Assessment will not be known until the overall PHAS scores are released. The 30-point Physical Condition score will be based upon the 2003 inspection as a housing authority with a score of 24 or better will not receive an inspection in the next annual PHAS cycle. The final PHAS score results for 2004 were:

Physical Condition	25 of 30
Financial Condition	26 of 30
Management	26 of 30
Resident Satisfaction	9 of 10
Total	86 of 100

Motion--

Mayans moved that the submission of the 2005 Public Housing Assessment System Certification for Management Indicators to the Department of HUD be reviewed and approved; the resolution adopted the necessary signatures provided. Motion carried 7 to 0, (Gray absent).

--carried

RESOLUTION NO. H-06-01

A Resolution certifying FY2005 Public Housing Assessment System, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0, (Gray absent). Yeas: Brewer, Fearey, Martz, Schlapp, Skelton, and Mayans.

AIRPORT AGENDA

Motion--

Mayans moved that the Airport Consent Items be approved in accordance with the recommended action shown thereon. Motion carried 6 to 0, (Gray absent).

--carried

S.A. NO. 3

HOST INTERNATIONAL-S.A. NO. 3-RESTAURANT AND CONCESSION OPERATIONS, WICHITA MID-CONTINENT AIRPORT.

Agenda Report No. 06-0177

The current concession agreement between the Wichita Airport Authority and Host International to provide food, beverage, and news/gift shop services and concessions in the terminal building was entered into on February 5, 1990, and will expire on April 30, 2006.

Plans are currently underway for the construction of a new terminal building. Within the year prior to the planned opening of the new terminal, Requests for Proposals will be solicited from concessionaires relative to the planning and construction for restaurants, bars and retail shops. In the interim, the Wichita Airport Authority is desirous of extending the agreement with Host for an additional four-year period through April 30, 2010, in order to provide for a smooth transition between now and the opening of the new terminal. At its meeting on February 6, 2006, the WAAB unanimously recommended the lease extension.

In consideration of the lease extension, Host will agree to some additional investment in its current facilities and will make some modification of services offered.

The Law Department has approved the supplemental agreement as to form.

Motion--

Mayans moved that the Supplemental Agreement No. 3 be approved and the necessary signatures authorized. Motion carried 6 to 0, (Gray absent).

--carried

CITY COUNCIL PROCEEDINGS

JOURNAL 185

FEBRUARY 14, 2006

PAGE 247

CITY COUNCIL

BOARD APPTS.

BOARD APPOINTMENTS.

Mayor Mayans

Mayor Mayans stated that there is a vacancy on the Housing Advisory Board for tenant member and at Mary K. Vaughn has recommended that Roy Mosely to be appointed to that vacancy. Stated that we also need to appoint Council Member Skelton to the Sedgwick County Association of Cities.

Motion--carried

Mayans moved that the appointments be made. Motion carried 6 to 0, (Gray absent).

TRAVEL EXPEND.

TRAVEL FOR MAYOR MAYANS TO LIBERAL, KANSAS, FEBRUARY 16-17, 2006, TOMEET WITH CHAMBER OF COMMERCE OFFICIALS REGARDING S.P.I.R.I.T. AND AFFORDABLE AIRFARES INITIATIVE.

Motion--carried

Mayans moved that the expenditure be approved. Motion carried 6 to 0, (Gray absent).

RECESS

Motion--

Mayans moved that the City Council recess into Executive Session at 12:40 p.m. to consider: Consultation with legal counsel on matters privileged in the attorney-client relationship relating to: pending litigation and legal advice and that the Council return from Executive Session no earlier than 1:00 p.m. and reconvene in the City Council Chambers on the first floor of City Hall. Motion carried 6 to 0, (Gray absent).

--carried

RECONVENE

The City Council reconvened in the City Council Chambers at 1:05 p.m. Mayor Mayans announced that no action was taken.

Motion--carried

Mayans moved at 1:05 p.m. to close the Executive Session. Motion carried 4 to 0, (Brewer and Skelton not present, Gray absent).

Motion--carried

Mayans moved at 1:06 p.m. to close the Regular Meeting. Motion carried 4 to 0, Brewer and Skelton not present, Gray absent).

Adjournment

The City Council meeting adjourned at 1:06 p.m.

Respectfully submitted,

Karen Sublett, CMC
City Clerk

Workshop followed in the City Council Chambers